

EPC COMMISSION MINUTES & AGENDA

MONTH MARCH

YEAR 1989

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File Name ADM-1-1-1 *EPC Meeting*
Senders Initials JH. *March 20-21, 1989*

Minutes of the Environmental Protection Commission Meeting

March 20-21, 1989

Wallace State Office Building, Des Moines, Iowa

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MARCH 1989 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 2:45 p.m. on March 20-21 1989.

MEMBERS PRESENT

Nancylee Siebenmann, Donna Hammitt, Robert Schlutz, Charlotte Mohr, and Clark Yeager.

MEMBERS ABSENT

Catherine Dunn, Gary Priebe

ADOPTION OF AGENDA

The following items were added to the agenda:

Appointment: (March 20) Don Balvanz - 3:45 p.m.

Appointment: (March 21) Steve Grant - 8:45 a.m.

Appointment: (March 21) City of Des Moines - 9:00 a.m.

Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Nancylee Siebenmann. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Nancylee Siebenmann to approve the minutes of February 20-21, 1989 and the electronic meeting minutes of March 1, 1989. Seconded by Clark Yeager. Motion carried unanimously.

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APPOINTMENT - GARY GARLOCK

Gary Garlock, Lobbyist, addressed the Commission expressing concern with departmental rules relating to anerobic lagoons. He distributed copies of his proposal for additions to these regulations. The main point expressed by Mr. Garlock was that he would like the Commission to evaluate the anaerobic lagoon permit regulations giving geological consideration to those regulations.

AIR MONITORING AND ASSESSMENT EQUIPMENT UPGRADE PURCHASE

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Approval of the EPC is requested to purchase the following equipment using 100% FFY89 Federal Air Quality Funds. These items were reflected in the FY89 approved budget for the Environmental Protection Division.

EQUIPMENT TO BE PURCHASED

- | | |
|---|----------|
| 1. Equipment upgrade for existing computers.
This includes a larger printer, tape backup for data protection, several software packages, an upgrade of an existing computer for improved graphics capabilities, and miscellaneous cables, connectors, etc. | \$ 9,014 |
| 2. 1 microcomputer with expanded memory.
This item would be used to relieve backlog relating to modeling for SO ₂ , toxics and permits. | 10,080 |
| 3. 1 portable microcomputer and accessories.
This computer would be shared by several EPD staff involved in field work relating to stack tests and ambient air data. | 4,962 |
| 4. UHL Equipment including Van Replacement, an Ozone Audit Unit, a CO/SO ₂ Dilution System, Heaters and Air Conditioners for Trailers, a Telemetry Upgrade and a Computer Upgrade. | 20,400 |
| 5. Office Shelving for Air Quality Materials and Manometers for EPD. | 2,000 |
| 6. Polk County Network, Repair Particulate monitor, Flow controller, Ozone monitor, and Carbon Monoxide monitor, and TECO Model 48 CO analyzer. | 13,754 |
| 7. Linn County Network, provide CO/SO ₂ Dilution System, | 10,000 |

Ozone Audit Unit, and installation of Telemetry.

Total \$70,210

Motion was made by Charlotte Mohr to approve the purchase for Upgrade of Air Monitoring and Assessment Equipment as presented. Seconded by Donna Hammitt. Motion carried unanimously.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

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IOWA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION RULEMAKING STATUS REPORT March 1, 1989

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 23 - NEPS/NEHAPS	12/21/88	1/11/89	2/13/89	1/31/89 2/01/89 2/02/89	3/20/89	*3/20/89	*4/19/89	*5/24/89
2. Ch. 60, 61 - Water Quality Standards	9/19/88	10/19/88	11/15/88	11/09/88 11/16/88 11/15/88 11/16/88				
3. Ch. 100, 103, 110 - Landfill Groundwater Monitoring	12/21/88	1/11/89	2/13/89	1/31/89 2/01/89 2/02/89				
4. Ch. 133 - General Guidelines for Determining Clean-Up Actions and Responsible Parties	3/01/89	*3/22/89		4/11-12/89 4/18-19/89 4/25-26/89				
5. Ch. 134 - WET, Financial Responsibility	1/23/89	2/22/89	3/13/89	3/16/89				

*Projected

MONTHLY VARIANCE REPORT

2/28/89

No. Facility	Program	Engineer	Subject	Decision	Date
1 Micro Fuel- Coralville	Air Quality		Emission Standard	approved	02/20/89
2 Potosi Co. Boardman	Air Quality		Landscape Waste	denied	02/20/89
3 Sibley, City of	Wastewater Const.	DeWald, Grant Hecker	Sewer Grade	approved	02/06/89
4 Salem, City of	Wastewater Const.	Allen Water, Wm Engr	Emergency Power	denies	02/06/89
5 Burlington W. H. Alford	Flood Plain	TEGA & Associates	Freeboard	approved	02/17/89

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REPORTS OF HAZARDOUS CONDITIONS

During the period of February 1, 1989 through February 28, 1989 reports of 52 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted, followed by a general summary and the number per field office. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
2/19/89 WAYNE	A train hit a car at East 6th Street in Lineville, Iowa on February 19, 1989, and about 3,000 gallons of diesel fuel were spilled when the fuel tank on the train was punctured. The product ran through a ditch and into a storm sewer.	Chicago and North-western Railroad Boone, Iowa	The leak in the fuel tank was plugged and remaining fuel was pumped into a tank wagon. The outfall for the storm sewer was located and pads were used to absorb the material.
2/28/89 MONTGOMERY	A valve broke on a storage tank located on Highway 71 on the north edge of Villisca, Iowa on February 28, 1989 and 10,000 gallons of 28% nitrogen fertilizer entered a storm sewer and flowed into a ditch.	Villisca Farmers Coop Rural Route #1, Box 10 Villisca, Iowa	Product was contained in the ditch with straw. The liquid was pumped up and contaminated soil was excavated.

Numbers in Parentheses Represent Reports for the Same Period in Fiscal Year 1988

Substance Type						Mode				
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct	47	20	8	19	25	0	14	3	0	5
Nov	55	27	9	19	35	3	12	1	0	4
Dec	44	21	3	20	29	0	9	1	1	4
Jan	54	32	6	16	32	0	10	3	3	6
Feb	52(51)	25(30)	11(2)	16(19)	36(37)	2(1)	5(9)	3(3)	2(1)	4(0)

Total # of Incidents Per
Field Office
This Period

01 02 03 04 05 06
12 4 7 3 13 13

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of February 1, 1989 through February 28, 1989, the following number of releases from underground storage tanks were identified.

26 (9)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1988.

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Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
James C. King, Des Moines (5)	Flood Plain	Channel Change	Amendment to Order	2/01/89
Polk County (5)	Underground Tank	Remedial Action	Order	2/09/89
Akron Municipal Light & Water Works (3)	Drinking Water	Compliance Schedule - MCL	Order/Penalty	2/09/89
Farmer's Coop Elevator, Radcliffe (2)	Air Quality	Open Burning	Referred to AG	2/23/89
Parr Manufacturing, Inc., Winterset (5)	Wastewater	Prohibited Discharge	Referred to AG	2/23/89
City of Carson (4)	Wastewater	MIP - Certified Operator	Referred to AG	2/23/89
City of Woolstock (2)	Wastewater	Monitoring - Effluent Violations	Referred to AG	2/23/89
Hardin County Sanitary Solid Waste Disposal Commission, Eldora (2)	Solid Waste	Daily Operation	Referred to AG	2/23/89
City of Fort Dodge (2)	Wastewater	Discharge Limits	Order	2/27/89
Victor Fisher, LuVerne (2)	Air Quality	Open Burning	Order/Penalty	2/27/89
Ken Forburger, Wesley (2)	Air Quality	Open Burning	Order/Penalty	2/27/89
P.M. Park Trustees, Cedar Falls (2)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	2/27/89
Carroll Country Club, Carroll (4)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	2/27/89
City of Blairstown (1)	Wastewater	Monitoring/Reporting, Compliance Schedule, Discharge Limits	Order	2/27/89
Kirahna A. Birusingh and Ed Athey, Crescent (4)	Solid Waste	Open Dumping	Order/Penalty	2/27/89
Aubrey Dean Lisle d/b/a Lisle Construction Council Bluffs (4)	Solid Waste	Open Dumping	Order/Penalty	2/27/89
Eagle Wrecking, Co., Pottawattamie County (4)	Solid Waste	Open Dumping	Order/Penalty	2/27/89
Hanson & Fairbanks Boat Dock, Camanche (6)	Drinking Water	Monitoring/Reporting - Nitrate	Order/Penalty	2/27/89

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Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
*Shelter Shield (Buffalo Center)	AQ	1,000	12-03-86
*JTM Indust./MacDade/Leamer (Pleasant Valley)	SW	1,000	8-12-87
*OK Lounge (Marion)	WS	448	11-01-87
*Richard Davis (Albia)	SW	1,000	2-28-88
*Ellie's Bar and Grill (Grand River)	WS	515	3-05-88
Handi-Klasp, Inc. (Webster City)	WW/HC	1,000	8-02-88
**Lawrence Payne (Ottumwa)*	SW	475	10-23-88
Milo Chalfant, et. al. (Webster City)	AQ	1,000	11-23-88
*McCabe's Supper Club (Burr Oak)	WS	335	12-14-88
*Dallas E. Robinson (Mason City)	SW	400	12-15-88
**Twelve Mile House (Bernard)*	WS	239	1-15-89
Spring Valley Park (Dubuque)	WS	200	1-30-89
Bianchi-Meyrat Lagoon (Des Moines)	WW	1,000	2-06-89
Wee Willy's (Quasqueton)	WS	450	2-23-89
Dale Wetherell (Storm Lake)	AQ	700	2-27-89
**Randy's Bluffton Store (Decorah)	WS	50	3-15-89
Krause-Gentle Corp. (Laurel)	HC	1,000	3-17-89
Bally Clough Inn (Dubuque)	WS	200	3-20-89
City of Maxwell	WW	800	3-29-89
Ottosen Water Supply	WS	200	4-01-89
City of Fremont	WS	200	4-02-89
Tonja Mobile Home Park (Council Bluffs)	WS	100	4-03-89
Orchard Water Works	WS	200	4-03-89
Mitchell Boars & Gilts (Madison Co.)	WW/FP	1,000	4-04-89
Austin Rumley (Leon)	FP	600	4-06-89
Akron Municipal Light & Water Works	WS	400	4-15-89
Hanson and Fairbanks Boat Dock (Camanche)	WS	100	-----
P.M. Park Trustees (Cedar Falls)	WS	100	-----
Carroll Country Club (Carroll)	WS	200	-----
Aubrey Dean Lisle (Council Bluffs)	SW	300	-----
Kirshna A. Birusingh/Ed Athey (Crescent)	SW	1,000	-----
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	-----
Victor Fisher (LuVerne)	AQ	600	-----
Ken Forburger (Wesley)	AQ	600	-----
Konfrst Trash Service (Glenwood)	AQ/SW	1,000	-----

*Referred to Attorney General

**On Payment Schedule

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The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Clear Lake Sanitary District	WW	1,000
KAL Services, Inc. (Pella)	WW	500
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Thomas E. Lennon (Barnum)	FP	700
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Stan Moser (Hudson)	SW	250
Cloyd Poland (Decatur)	FP	800
Land O' Lakes, Inc. (Ellsworth)	WW	1,000
City of Marcus	WS	1,000
Cindi's Chanti (Elgin)	WS	560
Bill Keough (Fertile)	AQ	700
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
City of Olds	WS	1,000
Howard Gross (West Union)	FP	800
Arthur Page (West Union)	FP	800
I&P, Inc. (Columbus Junction)	WW	600
William C. Augustine (Rose Hill)	FP	1,000
Fred's 66 (Davenport)	HC	1,000
King's Terrace Mobile Home Court (Ames)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WS	315
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
City of Ridgeway	WW	500
New Hampton Golf & Country Club (New Hampton)	WS	215
Hickory Grove Mobile Home Park	WW	225
**Dumont Auto Parts (Dumont)*(Paid in Full)	AQ	200
City of Hopkinton	WW	500
Vernon Heights MH Court (Cedar Rapids)	WS	100
Mark Twain Meadows Homeowners (Muscatine)	WS	1,000
**Don Scribner (Nashua)*(Paid in Full)	SW	1,134
Truesdale Water Supply	WS	100
Oto Water Supply	WS	100
*Merle Kuppinger (Mason City)	SW	200
Ingham Lake Lutheran Camp (Milford)	WS	75
Odessa Dells (Napello)	WS	100
City of Cherokee	WW	1,000
White House Supper Club (Saint Lucas)	WS	75
Pony Creek Homeowners Assoc. (Glenwood)	WS	300
**Randy's Bluffton Store (Decorah)	WS	50
*Vernon Kinsinger (Kalona)	AQ	500

TOTAL \$6,374

*Referred to Attorney General
 **On Payment Schedule

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 DEPARTMENT OF NATURAL RESOURCES
 ENVIRONMENTAL PROTECTION COMMISSION
 ATTORNEY GENERAL MEMORANDUM
 March, 1989

Name, Location and Region Number	How or Updated	Program	Alleged Violation	ENR Action	Status	Date
					Referred NPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Armed in circuit court	12/16/82 2/26/83 3/06/83 2/26/88 3/11/88 11/14/88
Aldem Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General		
AMCO, Inc. Hickman (1)		Air Quality	Excess Emissions	Order	Referred	2/16/88
					Referred Suit Filed Default Judgment \$7600 Second lawsuit filed Motion to set aside overruled Penalty condensed (\$2,638) Consent Decree Filed new case Paid \$1,500 (cases 2500 by 2/15/89) Paid 2500	2/20/83 4/23/83 6/22/83 8/07/88 10/30/87 3/18/88 8/23/88 11/01/88 12/15/88
Barnett and Bell, Inc. Barnhart (6)	Updated	Solid Waste	Open Dumping	Order		2/09/89
Bryant, Robert F. Charlton (3)	Updated	Wastewater	Prohibited Discharge	Order	Referred Suit Filed Trial Set	6/01/86 9/08/86 5/04/89
Cannon, City of	Rev	Wastewater	NP-Certified Operator	Order/Penalty	Referred	2/23/89
Cooper, Kenneth/Buster (1) Hickman (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Buster Referred	10/27/83 8/17/88
Davis, Richard & Son (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed	6/22/88 8/11/88
Dunsmuir Cooperative Elevator Co. Hickman (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/20/88
Dunsmuir Coop Elevator Hickman (2)	Rev	Air Quality	Open Dumping	Order/Penalty	Referred	2/23/89
Hardin County Sanitary SW Municipal Commission	Rev	Solid Waste	Daily Operation	Order/Penalty	Referred	2/23/89
Hilltop Feeders (Jorgensen) Winnebago (1)		Air Quality	Operation Without Permit	Order	Referred Suit Filed	12/15/83 3/24/88
IMP, Inc. (Laurensfeld) Dunsmuir (4)		Wastewater	Prohibited Discharge	Order	Referred	11/17/87
Jerry Jensen Hickman (5)		Fish Kill	Prohibited Discharge	Referred to Attorney General	Referred	10/20/88
Kinsinger, Vernon Hickman (1)	Updated	Solid Waste Air Quality	Open Dumping Open Dumping	Order/Penalty	Referred Administrative Penalty Paid	1/24/89 2/23/89
Kinsinger, Marie Hickman City (2)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Penalty Paid	12/13/86 2/20/89
Laumer, Delbert; JIM Ind. Pleasant Valley (6)		Solid Waste	Open Dumping	Order/Penalty	Referred	11/17/87
McCabe's Supper Club Hickman (1)		Drinking Water	Monitoring/Reporting Bacteria & Nitrate	Order/Penalty	Referred	1/24/89
Parr Manufacturing, Inc.	Rev	Wastewater	Prohibited Discharge	Order	Referred	2/23/89

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DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION COMMISSION ATTORNEY GENERAL MEMORANDUM March, 1989

Name, Location and Region Number	Rev or Updated	Program	Alleged Violation	ENR Action	Status	Date
Dugganiller, William et.al. Leslie County (4)		Flood Plain	Channel Change	Referred to Attorney General	Referred Suit Filed	3/20/87 6/25/87
Emmon, Ronald Grand Junction (4)		Underground Tank	Failure to Monitor	Order	Referred Suit Filed	8/17/88 12/30/88
Hubbison, Dallas E. Hemp City (2)		Solid Waste	Open Dumping	Order/Finealty	Referred	1/24/89
					Referred	9/18/84
					Judgment Appealed to Sup. Court	5/86 7/86
Salisbury, Ronald, Presto-X San Joaquin (5)		Hazardous Waste	Treatment and Storage Violations	Referred to Attorney General	Decided in our favor Judgment (\$4,000)	12/23/87 12/28/88
Jurkiewicz, Don Shelton (1)	Updated	Solid Waste	Open Dumping	Order/Finealty	Referred Motion for summary judgment Summary judgment granted Finealty received (\$1,134)	7/28/89 9/24/88 10/24/88 2/28/89
Shelter Shield Buffalo Center (4)		Air Quality	Excess Emissions; Construction w/o permit	Order/Finealty	Referred Suit Filed Default Judgment \$7,500	2/30/87 6/30/87 12/22/87
62-180 Truchetop Troyshick Co. (5)		Wastewater	Monitoring/Reporting, Discharge limitations, operational violations	Order/Finealty	Referred Suit Filed	8/17/88 11/22/88
University Park, City of (5)		Wastewater	NIP	Order/Finealty	Referred Suit Filed	9/28/88 11/14/88
William Steel Processing (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	5/17/88
					Referred Suit Filed Trial Set	3/16/87 5/13/87 5/13/88
Waterhouse, James & Berna Washington County (4)		Flood Plain	Channel Change	Referred to Attorney General	Summary Judgment Granted the State	9/30/88
					Referred Consent Decree Contempt Finding Contempt Finding Contempt Finding Contempt Finding Compliance Date	11/24/84 4/25/85 7/02/85 9/25/85 8/24/87 11/14/88 7/01/89
Wallace, Robert C. Hanna Vista and Charleston Counties (3)		Wastewater	Prohibited Discharge	Order	Referred Suit Filed Temporary Injunction Trial Date Set Partial Summary Judgment Granted Tentative Consent Decree	7/31/86 11/09/86 2/13/87 1/17/88 11/22/88 1/17/89
Woodland Park Jones County (1)		Wastewater	Prohibited Discharge	Order		
Wrightlock, City of	New	Wastewater	Monitoring; effluent violations	Order/Finealty	Referred	2/23/89
					Suit Filed	12/18/84
				Defending	Motion to Dismiss Denied	3/06/85 8/07/85
Yocum, Max Johnson (6)	Updated	Flood Plain	Prohibited Construction	Referred to Attorney General	Referred Counter Claim Filed Trial Held Judgment for Department Appealed to Supreme Court Argued in Court of Appeals Affirmed Judgment Further review requested Further review denied	7/12/86 10/86 6/16/87 8/18/87 9/01/87 5/19/88 11/29/88 12/19/88 2/06/89

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
March, 1989

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-25-86	Oelwein Soil Service	Administrative Order	NN	Landa	Hearing continued; cleanup study progressing.
6-12-86	AMN - Clinton	Administrative Order	Air	Landa	Hearing continued.
12-02-86	City of Mukwonago	Administrative Order	NS	Nansen	Amended Admin. Order to be issued.
5-12-87	Iowa City Registry NRP	Administrative Order	NN	Nansen	Hearing held 11-03-87.
6-11-87	Thomas Lanson	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	MC	Landa	Clean-up completed.
12-31-87	City of Tipton	Administrative Order	NN	Nansen	Amended order to be issued, per settlement.
1-15-88	First Iowa State Bank	Administrative Order	SN	Kennedy	Continued. Settlement pending.
1-22-88	NRP, Fort Dodge	NPDES Permit	NN	Nansen	Negotiating before filing.
2-04-88	Beaverdale Heights, Woodman; Westwood Mills	Administrative Order	SN	Landa	Continued pending resolution. Settlement discussions.
2-05-88	Warren County Register Bank	Administrative Order	UT	Landa	Phase I complete. Additional investigation necessary.
2-01-88	Cloyd Poland	Administrative Order	FP	Clark	Final decision appealed 12-22-88.
4-12-88	Land O'Lakes, Inc.	Administrative Order	NN	Murphy	Negotiating before filing.
5-14-88	Marcus, City of	Administrative Order	NS	Landa	Negotiating before filing.
6-22-88	Cindi's Chanti	Administrative Order	NS	Murphy	Negotiating before filing.
6-23-88	Bill Keough	Administrative Order	AQ	Landa	Consent Order drafted.
7-01-88	Olde, City of	Administrative Order	NS	Landa	Consent Order drafted.
7-01-88	Superior Ideal, Inc.	Administrative Order	NN	Nansen	Hearing continued pending settlement discussions.
7-25-88	Michigan Sanitary Service, Inc.	Permit Conditions	SN	Landa	Hearing continued. Settlement proposed.
7-25-88	Agree, Inc.	Operation Permit	NN	Landa	Consent Order proposed.
7-25-88	The R.J.S. Enterprises Corp. and Ralph J. Hobbs	Administrative Order	AQ	Landa	Hearing continued. Settlement proposed.
8-02-88	Wardin County	Permit Conditions	SN	Landa	Hearing continued. Settlement proposed.
8-10-88	Dennis Ellwell Investment Co.	Construction Permit	NN	Nansen	Hearing continued. Settlement negotiations.
9-27-88	City of Hudson	Permit Condition	NS	Nansen	Negotiating before filing.
9-28-88	Boore & Company	SMA Denial	SN	Landa	Settlement proposed.
10-02-88	A. Brown/H. Page	Administrative Order	FP	Clark	Negotiating before filing.
10-04-88	Shook Cohn Subdivision	Permit Revision	NS	Nansen	Hearing held on 1-17-89. Proposed decision issued 2-16-89.
10-05-88	NRP, Columbus Junction	Administrative Order	NN	Clark	Hearing continued.
10-25-88	North Co. Co-Op Oil Northwood Cooperative Elevator Storage Refining and Marketing Co.	Administrative Order	MC	Landa	Hearing continued. Settlement proposed.
11-14-88	William C. Augustine	Administrative Order	FP	Clark	Negotiating before filing.
11-22-88	Lake Shore Drive, Inc.	Administrative Order	FP	Clark	Negotiating before filing.
11-30-88	Forest Ridge Youth Shelter	Permit Conditions	NS	Nansen	Appeal withdrawn.
12-02-88	Edward Cain	Permit Denial	FP	Clark	Hearing continued.
12-02-88	Davis Co. Board of Supervisors	Administrative Order	AQ	Landa	Hearing continued.
12-02-88	Larry Dittmer	Administrative Order	AQ	Landa	Decision Appealed.
1-02-89	City of Oto	Administrative Order	NS	Nansen	Settled. Penalty paid 2-12-89.
1-22-89	Clear Lake Sanitary District	Administrative Order	NN	Kennedy	Hearing set for 2-31-89.
1-24-89	KAL Services, Inc.	Administrative Order	NN	Clark	Negotiating before filing.
1-25-89	Aneco Oil Co.	Administrative Order	UT	Landa	Settlement proposed.
1-26-89	City of Oyston	Administrative Order	NN	Murphy	Negotiating before filing.
1-30-89	City of New Market	Permit Revision	NS	Murphy	Negotiating before filing.
2-13-89	Northwestern States Portland Cement Company	Site Registry	NN	Landa	New Case.
2-16-89	Baker/Monheim/Weyer	Site Registry	NN	Landa	New Case.
2-12-89	King's Terrace Mobile Home Court	Administrative Order	NN	Murphy	Negotiating before filing.
2-12-89	King's Terrace Mobile Home Court	Administrative Order	NS	Murphy	Negotiating before filing.
2-16-89	John Deere Co.	Site Registry	NN	Landa	New Case.
2-16-89	Premium Standard Farms	Administrative Order	NP/AQ	Murphy	Hearing set for 4-10-89.
2-23-89	Lakewood Sanitary District	NPDES Permit	NN	Nansen	New Case.

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This was an informational item; no action was required.

FINAL RULE--CHAPTER 23 AMENDMENT, AIR QUALITY RULES, NSPS & NESHAPS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department has adopted by reference certain federal New Source Performance Standards (NSPS) promulgated by EPA through June 4, 1987. The Department has also adopted by reference most of the National Emission Standards for Hazardous Air Pollutants (NESHAPS) promulgated by EPA through March 19, 1987.

Since June 4, 1987, additional NSPS subparts have been promulgated by EPA and several revisions have been made to existing NSPS standards, test methods and procedures. Also, two NESHAPS subparts have been promulgated by EPA that have not been adopted by the Department.

In December 1988 the Commission approved for public hearing proposed amendments to the Department's rules which adopt the federal emission standards by reference. Public hearings were held on January 31, February 1 and 2, 1989, in Atlantic, Oakdale, and Des Moines, respectively. No oral or written comments were received at the hearings or during the comment period. It is requested that the amendments be adopted as proposed.

(Rule is shown on the following 3 pages)

0 1 1

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted Rule

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission adopts Amendments to 567--Chapter 23, Iowa Administrative Code "Emission Standards for Contaminants". The Commission adopts by reference recently promulgated federal regulations pertaining to new source performance standards and emission standards for hazardous air pollutants and includes, as facilities affected by these standards, additional source or pollutant categories.

In order to prevent new air pollution problems, by section 111(b)(1)(A) of the Clean Air Act, the Administrator of the Environmental Protection Agency was required to publish a list of categories of major sources that cause or contribute significantly to air pollution which may reasonably be anticipated to endanger health or welfare. Regulations establishing standards of performance for new sources within each category were promulgated and have been adopted by reference by the Department. Each standard of performance establishes allowable emission limitations that reflect the degree of emission limitation which is achievable through the application of the best technological system of continuous emission reduction. These regulations apply only to "new sources," that is, sources, the construction, reconstruction, or modification of which is commenced after the proposal date of the individual rule. The rules are adopted by reference by subrule 567--23.1(2)(455B).

Similarly, by Section 112 of the Clean Air Act the EPA was required to adopt emission standards for "hazardous air pollutants," those pollutants which cause or contribute to air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness. These standards apply to new and existing sources and are adopted by reference by subrule 567--23.1(3)(455B).

In greater detail, the following amendments are adopted:

Item 1 amends subrule 567--23.1(2)(455B) by including, as federal regulations adopted by reference, those regulations pertaining to 40 C.F.R. part 60 which have been promulgated through January 29, 1988. Part 60, which sets forth federal standards of performance for new stationary sources, is amended by adding the new source categories specifically adopted herein and by amending various emission standards, and testing methods. Furthermore, the department adopts, by reference, amendments to standards of performance for industrial-commercial-institutional steam generating units (subpart Db), 567--23.1(2)"ccc". This pertains to facilities constructed, modified or reconstructed after June 19, 1984 and 1986.

Item 1 further amends subrule 567--23.1(2)(455B) by adding, as facilities specifically affected by the standards of performance for new stationary sources, the following types of facilities: Rubber tire manufacturing, and surface coating plastic parts for business machines.

Item 2 amends subrule 567--23.1(3)(455B) by including, as federal regulations, adopted by reference, those regulations pertaining to 40 C.F.R. part 61 which have been promulgated through March 19, 1987. Part 61 which sets forth emission standards for hazardous air pollutants is amended by the addition of two new source categories. Facilities in these source categories which are affected by this amendment are primary copper smelters, and glass manufacturing plants.

These rules are intended to implement Iowa Code section 455B.133.

The following amendments are adopted.

E89Mar-13

ITEM 1. Subrule 567--23.1(2)(455B) is amended as follows:

23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through June 4, 1987 January 29, 1988 are adopted by reference and shall apply to the following affected facilities. The corresponding 40 C.F.R. Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 C.F.R. Part 60 also apply to the affected facilities.

Further amend rule 23.1(2) by revising the following paragraphs:

a. Fossil fuel-fired steam generators. A fossil fuel-fired steam generating unit of more than 250 million BTU heat input for which construction, reconstruction, or modification is commenced after August 17, 1971. Any facility covered under paragraph "a" is not covered under this paragraph. (Subpart D)

1. Steel plants. Either of the following at a steel plant: Electric arc furnaces and dust handling equipment constructed after the construction, modification, or reconstruction of which commenced after October 21, 1974, and on or before August 17, 1983. (Subpart AA)

z. Electric utility steam generating units. An electric utility steam generating unit that is capable of combusting more than 250 million BTUs per hour (73 megawatts) heat input of fossil fuel for which construction or modification or reconstruction is commenced after September 18, 1978, or an electric utility combined cycle gas turbine that is capable of combusting more than 250 million BTUs per hour (73 megawatts) heat input of fossil fuel in the steam generator. (Subpart Da)

bb. Petroleum storage vessels. Unless exempted, Any storage vessel for petroleum liquids constructed, -reconstructed, -or -modified for which the construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978, having a storage capacity greater than 151,416 liters (40,000 gallons). (Subpart K)

cc. Petroleum storage vessels. Unless exempted, Any storage vessel for petroleum liquids constructed after for which the construction, reconstruction or modification commenced after May 18, 1978, and prior to July 23, 1984, having a storage capacity greater than 151,416 liters (40,000 gallons). (Subpart Ka)

tt. Equipment leaks of VOC in petroleum refineries. A compressor and all equipment (defined in 40 C.F.R. Part 60.591) within a process unit constructed for which the construction, reconstruction, or modification commenced after January 4, 1963. (Subpart GGG)

yy. Iron and steel plants. Secondary emissions from basic oxygen process steelmaking facilities for which construction, reconstruction, or modification commenced after January 20, 1983. (Subpart Na)

zz. Equipment leaks of VOC from on-shore natural gas processing plants. A compressor and all equipment defined in 40 C.F.R., Part 60.631, unless exempted, which commences construction for which construction, reconstruction, or modification commenced after January 20, 1984. (Subpart KKK)

aaa. On-shore natural gas processing: SO₂ emissions. Unless exempted, Each sweetening unit and each sweetening unit followed by a sulfur recovery unit which commences construction for which construction, reconstruction, or modification commenced after January 20, 1984. (Subpart LLL)

bbb. Nonmetallic mineral processing plants. Unless exempted, Each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or rail car loading station in fixed or portable nonmetallic mineral processing plants for which construction, reconstruction, or modification was commenced after August 31, 1983. (Subpart 000)

ccc. Industrial-commercial-institutional steam generating units. Unless exempted, each steam generating units unit for which construction, reconstruction, or modification commenced after June 19, 1984, and which has a heat input capacity of more than 100 million Btu/hour. (Subpart Db)

ddd. Volatile organic liquid storage vessels. Unless exempted, Volatile organic liquid storage vessels which--commence--construction for which construction, reconstruction, or modification commenced after July 23, 1984. (Subpart Kb)

Further amend rule 23.1(2) by adding the following paragraphs:

eee. Rubber tire manufacturing plants. Unless exempted, each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation that commences construction or modification after January 20, 1983. (Subpart BBB)

fff. Industrial surface coating: Surface coating of plastic parts for business machines. Each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats for which construction, modification, or reconstruction begins after January 8, 1986. (Subpart TTT)

ITEM 2. Subrule 567--23.1(3)(455B) is amended as follows:

23.1(3) Emission standards for hazardous air pollutants. The federal standards of emissions for hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended through March 19, 1987, are adopted by reference, except 40 CFR §61.20 to §61.28, §61.90 to 61.98, §61.100 to §61.108, §61.120 to 61.126, and §61.145 to 61.147, and §61.250 to 61.252, and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 C.F.R. Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C) and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

Further amend subrule 567--23.1(3)(455B) by adding the following paragraphs:

i. Inorganic arsenic emissions from glass manufacturing plants. Each glass melting furnace (except pot furnaces) that uses commercial arsenic as a raw material. (Subpart N)

j. Inorganic arsenic emissions from primary copper smelters. Each copper converter at any new or existing primary copper smelter except as noted in 40 CFR 61.172(a). (Subpart O)

11 11

Date _____

(A:23.MIN/39-89)

Larry J. Wilson, Director

E89Mar-15

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Motion was made by Nancy Lee Siebenmann to approve Final Rule--Chapter 23 Amendment, Air Quality Rules, NSPS and NESHAPS. Seconded by Clark Yeager. Motion carried unanimously.

STATE NONPOINT POLLUTION MANAGEMENT PROGRAM REPORT - IOWA 1988

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the proposed State Nonpoint Source Management Report-Iowa.

Section 319 of the federal Clean Water Act requires each state to prepare and submit to the US Environmental Protection Agency for approval two reports dealing with nonpoint source pollution. The first report, State Nonpoint Source Assessment Report - Iowa 1988, identified the impacts that nonpoint sources are having on Iowa's surface waters. A Non-Point Source Management report is to identify the actions the state intends to take during the next four years on its nonpoint pollution problems.

Iowa's nonpoint assessment report was submitted to EPA in July 1988, and summarized the results of a comprehensive statewide assessment of the impacts that nonpoint pollution has on Iowa's waters. The major findings of this assessment were previously reported in the 1988 state water quality report, and were discussed with the Commission in May as part of a review of the water quality report.

The draft State Nonpoint Source Management Report was reviewed with the Commission in November. Following the Commission meeting, the draft was sent to a number of individuals, agencies, and organizations for review and comment. In addition, a news release was issued indicating the draft management report was available for public comment.

A responsiveness summary reviewing comments received and changes made in the management program as a result of these comments has been prepared.

Following Commission approval, the management report will be submitted to EPA for approval.

Mr. Stokes explained the report in detail.

A copy of the report and the responsiveness summary is filed along with the minutes in the department's Records Center.

Motion was made by Donna Hammitt to approve the proposed State Nonpoint Source Management Report - Iowa 1988. Seconded by Charlotte Mohr. Motion carried unanimously.

PROPOSED RULE--CHAPTERS 102, 103, AND 104 AMENDMENT, LANDFILL CLOSURE-POST CLOSURE AND LEACHATE RECOVERY SYSTEMS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

AMEND RULE CHAPTER 101, GENERAL REQUIREMENTS RELATING TO SOLID WASTE DISPOSAL CHAPTER 102, PERMITS CHAPTER 103, LANDFILLS CHAPTER 104, SANITARY DISPOSAL PROJECTS WITH PROCESSING FACILITIES CHAPTER 105, COMPOSTING FACILITIES CHAPTER 106, RECYCLING OPERATIONS

The Commission is requested to amend Chapters 101 through 106 of the ARC.

Attached is a copy of the proposed rule establishing design standards for closure/post-closure at all sanitary disposal projects, and for construction of leachate control systems for sanitary landfills.

The time, date, and location of public hearings will be as set out in the Notice of Intended Action.

(Proposed rule is shown on the following 7 pages)

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ITEM 1. Amend rule 567--101.3(455B) by substituting the following:

567--101.3(455B) General conditions of solid waste disposal. Solid waste must be disposed at a sanitary disposal project approved by the director.

ITEM 2. Amend rule 567--102.2(455B) by substituting the following:

567--102.2(455B) Types of permits. There are four (4) types of permits issued by the director. These are described in this rule.

ITEM 3. Amend rule 567--102.2(455B) by adding the following subrule:

102.2(4) Closure permit. This permit is issued by the director under the authority of Iowa Code section 455B.305 for sanitary disposal projects which no longer accept solid waste. Such permits are issued for a term of thirty (30) years. A sanitary disposal project shall require a closure permit until the department determines that post-closure maintenance, post-closure monitoring, and operation of required leachate control system is no longer necessary.

a. Application shall be filed at the time of departmental notification of intended closure as required by this rule.

b. The application for issuance of this permit shall be based on a previously approved comprehensive plan and other rules adopted pursuant to the authority of 455B.306.

c. This permit shall require submission of an annual audit report detailing the status of the financial instrument and other funds as required to guarantee completion of post-closure and monitoring requirements.

d. This permit may be modified by the issuance of an amendment by the department. Requests for permit amendments may be initiated by the department or by the permit holder.

e. At the end of the applicable post-closure period, and upon satisfactory completion of all required post-closure activities as established by 455B of the Code, written notification shall be issued by the director stating that a permit is no longer required for the facility.

ITEM 4. Amend rule 567--102.7(455B) by substituting the following:

Sanitary disposal project permits, temporary permits, and developmental permits may be modified by the issuance of an amendment by the department, except as provided in 102.6(1).

ITEM 5. Amend rule 567--102.12(455B) by adding the following new subrule 102.2(10). Renumber existing subrule 102.12(10) as new subrule 102.12(11):

102.12(10) Closure/Post-closure plan. A closure/ post-closure plan shall be submitted which:

a. Details how and when the facility will be closed in accordance with applicable requirements of Chapters 103 through 110 of the rules.

b. Describes the proposed groundwater monitoring plan, leachate control system, and site inspection and maintenance activities necessary to comply with Chapters 103 through 110 of the rules.

c. States the name, address and telephone number of the person or office to serve as a contact with regard to the facility during the post-closure period.

ITEM 6. Amend rule 567--102.13(455B) to add the following new subrule 102.13(9):

102.13(9) General closure requirements.

a. The owner or operator shall notify the department in writing at least one hundred and eighty (180) days prior to closure of the facility or suspension of operations.

b. Notice of closure shall be posted at least one hundred and eighty (180) days prior to closure at the facility indicating the date of closure and

alternative solid waste management facilities. Notice of closure shall also be published at least one hundred and eighty (180) days prior to closure in a newspaper of local circulation. This notice shall include the date of closure and alternative solid waste management facilities.

c. The closure of the facility shall be certified by the owner and an engineer registered in Iowa that it has been closed in compliance with the rules, the closure/post-closure plan, and the permit.

d. Upon completion of closure activities, as-built plans shall be submitted showing changes from the original design plans, test results indicating compliance with final cover as applicable, waste removal, equipment decontamination, and other forms of documentation as required, to include a copy of the notation filed with the county recorder.

ITEM 7. Amend subrule 103.2(1) by adding new paragraphs "d", "e", "f" and "g" and relettering the remaining paragraphs.

d. The description, source and volume of the material to be used for the landfill liner, including the method of installation. The portion of the site to be filled must have a soil liner consisting of at least four (4) feet of recompact soil, which has been compacted to 95 percent Standard Proctor Density at not more than five (5) percent above optimum moisture content. The coefficient of permeability must be 1×10^{-7} cm/sec (0.00028 ft/day) or less as determined by appropriate laboratory analysis. The soil shall be placed in lifts not to exceed eight (8) inches in thickness. A minimum of one field density test shall be performed per lift per acre to insure adequate compaction. Results of field density tests shall be submitted to the department.

e. An alternative liner system to that required in paragraph "d" of this subrule may be approved by the director if:

(1) The design of the liner system is equivalent to the soil liner required in paragraph "d" of this subrule in performance, longevity and protection of the groundwater; or

(2) Based on the specific type of waste to be disposed, the design of the liner system offers equivalent protection of the groundwater.

f. Diversion and drainage structures designed to prevent ponding, infiltration, inundation, erosion, slope failure and washout from surface runoff due to a 25-year, 24-hour rainfall.

g. A leachate collection, storage and treatment and disposal system designed to protect the soils, surface water, and groundwater from leachate contamination. This system shall be designed to operate during the active life of the site and during the post-closure period required by 455B.304.

(1) The design and construction of the system must be in accordance with subrule 103.2(3) and be coordinated with the planned phase development of the site and the timing of leachate generation.

(2) The potential for leachate generation shall be evaluated in determining the design for the facility.

(3) The plan must include proposed quality assurance and quality control testing to be performed during installation and operation of the system. This shall include procedures that will be followed during installation of the leachate collection system, and during normal landfill operations to ensure the system's integrity and design standards.

ITEM 8. Amend subrule 103.2 by deleting paragraphs "l", "m", and "n", relettering remaining paragraphs, changing paragraph "h" to the following, and adding new paragraph "n".

h. Each site shall be graded and provided with drainage facilities to meet the requirements of 103.2(1)f to minimize flow of surface water onto and into

the portion of the site being filled, and to prevent soil erosion and ponding of water.

n. The total volume of leachate collected for each month shall be recorded, and the elevation of leachate in the landfill shall be provided to the department in accordance with the schedule specified in the permit.

ITEM 9. Amend rule 567--103.2(455B) by adding new subrules 103.2(3), 103.2(4), 103.2(5) and 103.2(6).

103.2(3) Leachate control systems for new landfills. All new landfills must have a leachate collection, storage, and treatment and disposal system in place prior to accepting waste. This system shall be operated in conformance with the approved design during the active life of the site and during the post-closure period.

a. Leachate collection system.

(1) The leachate collection system shall be designed to allow not more than one (1) foot of head above the top of the landfill liner. The collection system must include a method for measuring the leachate head in the landfill at the lowest area(s) of the collection system.

(2) The landfill liner must be graded toward the leachate collection pipe at a slope greater than two percent (2%), but not to exceed ten percent (10%). The side slopes of the landfill liner must be less than twenty-five percent (25%).

(3) A drainage layer must be placed immediately above the landfill liner. This drainage layer shall consist of a minimum of one (1) foot of soil with a coefficient of permeability of 1×10^{-3} cm/sec (2.8 ft/day) or greater.

(4) Leachate collection pipe must be installed in the drainage layer so that the maximum leachate flow distance to a collection pipe is 100 feet.

(5) The collection pipe must be covered with a filter material to encourage flow and to prevent infiltration of fine-grained materials into the pipe. The collection pipe must be perforated or slotted, of a sufficient diameter to handle the expected flow, but not less than four (4) inches in inside diameter, capable of being cleaned throughout the active life of the site and during the post-closure period, chemically resistant to the wastes and the expected leachate and of sufficient strength to support maximum static and dynamic loads imposed by the overlying wastes, cover materials, and equipment used during the construction and operation of the site. Documentation shall be submitted which includes methods and specifications for cleaning of the pipes, chemical compatibility of the pipes, and calculations and specifications for pipe strength.

(6) The leachate collection system shall be equipped with valves to enable the flow of leachate from the facility to be shut off during periods of maintenance.

(7) The leachate collection system shall be cleaned out at the time of permit renewal, or more frequently if leachate head and/or the volume of leachate collected indicate cleanout is necessary. A report of the methods and results of the cleanout shall be submitted at the time of permit renewal.

b. Leachate storage system. The leachate storage system must be:

(1) Capable of storing at least five (5) days accumulation of leachate; and

(2) Constructed of materials which are compatible with the expected leachate.

c. Leachate treatment and disposal system.

(1) Leachate shall be treated by such physical, chemical or biological processes as necessary to meet the pretreatment limits imposed by a treatment agreement between the landfill and a publicly owned treatment works, or by the

effluent discharge limitation established by an NPDES permit issued to the landfill.

(2) Leachate recirculation systems shall be designed to minimize detrimental effects to vegetative cover, minimize erosion and damage to the soil cover, and to promote rapid stabilization of the waste. Such systems shall not be allowed for sites which do not satisfy all of the requirements of 103.2(3).

(3) All leachate treatment systems, except as described in (2) above, shall conform to wastewater treatment design standards as established by the department.

d. Inspection prior to start-up. The department shall be notified when the initial construction of the leachate collection, storage, and treatment and discharge systems have been completed, in order that an inspection may be made to determine that the leachate control system is constructed as designed. Prior to this inspection, construction certification reports from the project engineer must, be, submitted discussing quality assurance and quality control testing done to ensure that all materials and equipment for the leachate control system has been placed in accordance with the approved engineering plans, reports and specifications. The results of all testing must be included, along with documentation of any failed tests, a description of the procedures used to correct the failures, and results of any retesting performed. This inspection may be incorporated with the inspection required by rule 567--102.11(455B).

103.2(4) Leachate control systems for existing landfills.

a. All existing landfills must submit a leachate control plan, as described in paragraph "b" below when any of the following occur:

- (1) At the time of permit renewal;
- (2) When requesting a change in the existing permit for expansion or modification of the waste fill area;
- (3) Within 180 days of notification by the department of the detection of any leachate seep or contamination of the ground or surface waters from leachate; or
- (4) At least 180 days prior to landfill closure.

b. The design of the leachate control system must include leachate collection storage, and treatment and disposal.

(1) New fill areas of a landfill that have not previously received waste must address the design standards of subrule 103.2(3).

(2) Existing fill areas must address the design standards of subrule 103.2(3), except subparagraphs a(1) through a(4). The leachate collection system must be designed to achieve the lowest possible leachate head above the landfill liner, and must include a method of measuring the leachate head.

103.2(5) Closure requirements. The owner or operator of the landfill must close the site in a manner that minimizes the potential for post-closure release of pollutants to the air, groundwater or surface waters.

a. Permanent surveying monuments must be installed by a registered land surveyor from which the location and elevation of wastes, containment structures, and monitoring facilities can be determined throughout the post-closure period.

b. The final cover shall consist of:

- (1) Not less than two (2) feet of soil which has been compacted to 95 percent Standard Proctor Density at not more than five (5) percent above optimum moisture content. The permeability must be 1×10^{-7} cm/sec or less as determined by appropriate laboratory analysis. The soil shall be placed in lifts not to exceed eight (8) inches in thickness. A minimum of one field

density test shall be performed per lift per acre to insure adequate compaction. Results of field density tests shall be submitted to the department. The compacted soil shall be keyed into the bottom liner at the waste cell boundary.

(2)₃ Not less than six (6) inches of sand with a permeability of 1×10^{-3} cm/sec or greater, to be placed above the compacted soil described in subparagraph b(1) of this subrule. This layer shall be placed as soon as possible to prevent desiccation, erosion, cracking and freezing of the compacted soil layer described in subparagraph b(1), above.

(3) Not less than two (2) feet of uncompacted soil, containing sufficient organic matter to support vegetation, to be placed above the sand described in subparagraph b(2) of this subrule. The thickness of this soil layer must be at least the root depth of the planned vegetative cover to prevent root penetration into the underlying soil layers. This layer shall be placed as soon as possible to prevent desiccation, cracking and freezing of the compacted soil layer described in subparagraph b(1) of this subrule.

(4) A layer of compacted soil, incinerator ash, or similar material permitted by the department may be used to prepare the site for placement of the compacted soil layer described in subparagraph b(1) of this subrule. The use of such material will not serve as a replacement for the compacted soil layer described in subparagraph b(1) of this subrule.

(5) Alternate methods and materials may be permitted if shown to provide equal or superior performance.

c. The final cover shall be designed and graded to meet the drainage requirements of 103.2(1)f. The final cover must have a minimum slope of five (5) percent, and shall not exceed a slope of twenty-five (25) percent.

d. The final cover shall be seeded immediately upon completion with native grasses or other suitable vegetation to prevent soil erosion. Vegetation type shall be based on density and root depth, nutrient availability, soil thickness, and soil type. Alternatives to vegetative cover may be considered to control erosion and promote runoff.

e. An approved groundwater monitoring system as required by the closure permit and the rules must be in place and operating.

f. An approved leachate collection and treatment system as required by the closure permit and the rules must be in place and operating.

g. An approved landfill gas monitoring and collection system as required by the closure permit and the rules must be in place or operating unless determined not to be necessary by the director.

h. An approved financial assurance instrument, adequate to cover costs of all post-closure activities as required by the closure plan and the closure permit must be provided upon promulgation of the appropriate rules.

i. All requirements of the closure plan, the closure permit, and the rules must be satisfied.

103.2(6) Post-closure requirements for thirty (30) years following closure of the site. The owner or operator of the site must comply with all post-closure requirements.

a. The diversion and drainage system as required in 103.2(1)f must be maintained to approved specifications to prevent run-on and runoff from eroding or otherwise damaging the final cover.

b. The integrity and effectiveness of the final cover must be maintained by making repairs as necessary to correct the effects of settling, subsidence, erosion, or other events. If damage to the compacted soil layer described in 103.2(3)b(1) occurs, repairs shall be made to correct the damage and return it to its original specifications.

c. The vegetative cover shall be reseeded as necessary to maintain good vegetative growth. Any invading vegetation whose root system could damage the compacted soil layer shall be removed or destroyed immediately.

d. The groundwater monitoring system shall be operated and maintained, and shall comply with all applicable rules and closure permit requirements.

e. The leachate collection, removal and treatment systems shall be operated and maintained, and shall comply with all applicable rules and closure permit requirements.

f. The landfill gas monitoring and collection systems shall be operated and maintained, and shall comply with all applicable rules and closure permit requirements.

g. Semiannual reports shall be submitted to the department. These reports shall contain information concerning the general conditions at the site, groundwater monitoring results, amount of leachate collected and treated, information concerning the landfill gas monitoring and collection system, and other information as may be required by the closure permit. In addition, locations and elevations of all permanent monuments, required in subrule 103.2(3)(a), shall be determined. The reports are due by February 1 and July 1 for the previous half of the calendar year.

h. The permanent surveying monuments required in subrule 103.2(3)(a) shall be maintained.

i. The financial assurance instrument and post-closure account shall be maintained to approved levels, and an annual financial statement shall be submitted by February 1 for the previous calendar year.

ITEM 10. Amend subrule 103.3(2) by changing paragraph "b" to the following:

b. Solid waste at the site shall be covered after each day of operation with a compacted layer of at least six (6) inches of earth.

ITEM 11. Delete paragraph "c" of subrule 103.3(1).

ITEM 12. Delete paragraph "b" of subrule 103.4(1).

ITEM 13. Delete paragraph "e" of subrule 103.5(1), and reletter the remaining paragraphs.

ITEM 14. Delete paragraph "h" of subrule 103.6(1), and reletter the remaining paragraphs.

ITEM 15. Add rule 567--104.11(455B)

567--104.11(455B) Closure requirements. All sanitary disposal projects with processing facilities shall close in conformance with their approved closure plan, this subrule, and the requirements of chapter 102.

104.11(1) All equipment, storage facilities, holding areas, and drainage collection systems shall be cleaned and decontaminated.

104.11(2) All processed waste, stored waste and waste from cleaning and decontaminating the facility shall be removed and disposed of in a permitted disposal facility.

104.11(3) Disposal projects with processing facilities may be required to obtain a closure permit, described in 102.2(4), dependent upon the potential of the closed facility for environmental impact.

ITEM 16. Add rule 567--105.3(455B)

567--105.3(455B) Closure requirements. All composting facilities shall be closed in conformance with their approved closure plan, this subrule, the requirements of rule 104.11 and the requirements of chapter 102. Composting facilities may be required to design and implement a groundwater monitoring system dependent upon the potential of the closed facility for environmental impact.

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ITEM 17. Add rule 567--106.4(455B)

567--106.4(455B) Closure requirements. All recycling operations shall be closed in conformance with their approved closure plan, this subrule, rule 104.11, and the requirements of chapter 102.

(A:EP102.MIN/019-89)

00 00

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Discussion followed in regards to accurately estimating post-closure costs in view of inflation rates.

Chairman Schlutz stated that on page 3, under (7), the language should be changed because if a person had just cleaned the system a month ago and their permit was up for renewal the following month, they would have to clean it again.

Chairman Schlutz also questioned, under (7)b.(1), the number of days allowed for storing accumulation of leachate. He stated that with a number of rainy days one may not be able to get to it within five days and, therefore, more storage time should be allowed.

Mr. Stokes related that staff will review and revise the proposed rules in the areas of concern.

This was an informational item; no action was required.

PUBLIC PARTICIPATION

Frank Sloan had requested to speak, but since the Commission was running late he offered to wait until next month to make his presentation. Chairman Schlutz thanked Mr. Sloan for his thoughtfulness.

APPOINTMENT - DON BALVANZ

Don Balvanz, Hardin County Supervisor, addressed the Commission expressing concerns about the recent citation given Hardin County Sanitary Landfill in regards to violations for daily cover requirements. He distributed copies of a memo he received from David Dorff, of the Attorney General's office, stating that Hardin County needs an amendment to their existing permit to allow construction and demolition waste to be covered on a weekly basis, rather than a daily basis.

Mike Murphy, Governmental Liaison Bureau, stated that he advised Hardin County last month that if they wanted that type of condition in the permit, they would need to apply to staff to have it included.

Chairman Schlutz recommended that Mr. Balvanz visit with department staff while he is in the office today, to see if a permit amendment can be worked out.

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AGRICULTURAL DRAINAGE WELL REGISTRATION REPORT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Groundwater Protection Act, as amended, required that all agricultural drainage wells (ADW's) be registered with the Department by September 30, 1988. This registration effort has been completed and a report summarizing the results has been prepared and will be distributed at the Commission meeting.

A total of 346 ADW's have been registered. Comparison of the registration list with other research data on the probable location and numbers of ADW's shows that while most of the registered wells are, as expected, confined to relatively small areas of north-central Iowa, there is yet no consensus as to the actual number of ADW's in Iowa. The registration list cannot be considered as an exhaustive and accurate accounting of all ADW's in the state and additional efforts would be needed to compile such an inventory.

Mr. Stokes explained the report in detail.

Clark Yeager suggested that the definition of an agricultural drainage well be included in the report.

Mr. Stokes noted that the definition will be added to the report.

This was an informational item; no action was required.

INFECTIOUS WASTE MANAGEMENT REPORT

Tom Blewett, Waste Management Authority Division, presented the following item.

Attached for the Commission's information is the final version of the Infectious Waste Management Report as submitted to the Governor and General Assembly.

Mr. Blewett stated that this report was required by Senate File 2055, and a series of recommendations are provided in Chapter 7. The recommendations refer to developing definitions of infectious waste and infectious waste generators; providing for standards for treatment; encouraging intra and interfacility planning; and providing educational programs to inform the public and help them understand infectious waste. Mr. Blewett related that these recommendations have been put into the form of a bill that came out of a House committee and is on the floor at this time.

This was an informational item; no action was required.

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Discussion followed regarding hospital air quality permits and stack requirements.

Clark Yeager inquired about a problem encountered at a specific hospital where their burn time will need to be cut down, due to a miscalculation by department staff. He added that he has received written information regarding this problem.

Mr. Stokes stated that he would be interested to see this information and discuss it with staff.

LANDFILL ALTERNATIVE GRANTS

Tom Blewett, Waste Management Authority Division, presented the following item.

Grant applications were received January 15, 1989 for the current round of Landfill Alternative grants. After ranking by a review committee, the following six applicants have been invited to negotiate contracts. Four of the six contracts will be over \$25,000 and will be on the Commission agenda for the April meeting for contract approval.

1) AGP/Bio-Mass: Air emissions and ash toxicity testing for the burning of densified Refuse Derived Fuel (dRDF). This grant will provide useful information regarding the environmental acceptability of dRDF pellets and will assist in market development for this fuel product. - \$60,950

2) Fort Dodge: City-wide curbside collection/recycling program to be established. This will be the largest city in Iowa to undertake a comprehensive curbside recycling program. - approx. \$299,480.

3) City of Marion: Leaf and grass composting project utilizing degradable plastic bags. This grant will demonstrate a simple but effective way to divert large quantities of waste from landfills while testing plastic bags made with an Iowa agricultural product. - \$17,574.

4) Rose Bar: Air emissions testing and ash toxicity testing for the burning of shredded Tire Derived Fuel (TDF). This grant will provide useful information regarding the environmental acceptability of burning tires and will assist in the market development of Tire Derived Fuel. - \$45,000.

5) SIMPCO: Completion of a market analysis for waste tires. This grant will provide the state with a detailed analysis of the potential uses of waste tires other than combustion. - \$35,500.

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6) Scott County Landfill: A comprehensive sampling program to determine which white goods (appliances) contain PCB's. This grant will provide information on which white goods have capacitors that contain PCB's, with the results being used to promote the recycling of white goods. - \$14,200.

Mr. Blewett explained that four of the six contracts are over \$25,000 and will need Commission approval. He added that current contract negotiations are in process with each of the six proposed recipients, and completed contracts will be presented at the April meeting.

Chairman Schlutz asked, in regard to project number six, if it takes \$14,200 to decide where PCB's are.

Tom Blewett noted that the estimated cost to remove the PCB capacitors is anywhere from ten to thirty dollars, the most common figure being \$25 to \$28. After removal of the capacitor, it still has to be determined if it actually does contain PCB's. Mr. Blewett stated that this information will be very valuable to be able to manage white goods.

Teresa Hay stated that the grant is to do a study to determine which appliances carry the PCB's, since all of them do not contain PCB's.

This was an informational item; no action was required.

TOXIC CLEANUP DAYS

James Combs informed the Commission that there will be two Toxic Cleanup Days in May. One of the Toxic Cleanup Days will be held in Waterloo and the other in Denison.

REFERRALS TO THE ATTORNEY GENERAL

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

Spring Valley Park

Mr. Combs briefed the Commission on the history of this case.

Motion was made by Clark Yeager for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann. Motion carried unanimously.

Wee Willlys

Mr. Combs briefed the Commission on the history of this case.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Donna Hammitt. Motion carried unanimously.

PROPOSED CONTESTED CASE DECISION--MECHA CEBÁ SUBDIVISION

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

On September 8, 1988, the department revised the drinking water operation permit for Mecha Ceba Subdivision. That action required installation of chlorination and submission of monthly operating reports for those facilities. That action was appealed and the matter proceeded to administrative hearing on January 17, 1989. The hearing officer issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on February 16, 1989. The decision affirmed the permit revision.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

The Commission took no action. This has the effect of upholding the hearing officer's decision unless there is an appeal.

LEGISLATION UPDATE

James Combs, Division Administrator, Coordination and Information Division, presented the following item.

1989 GENERAL ASSEMBLY BILL STATUS

RUN ON: March 20, 1989
FOR ACTIONS THRU DAY BEFORE RUN DATE

HF 0006

By Koenigs.

A bill for an act relating to issuance of hunting licenses to landowners and tenants for deer and wild turkey.

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Jan. 10 89 Introduced, referred to Natural Resources & Outdoor

Recreation. H.J. 45.

Jan. 10 89 Subcommittee, May, Gruhn and McKean. H.J. 59.

Jan. 12 89 Subcommittee reassigned, Koenigs, May and McKean..

H.J. 121.

Feb. 09 89 Committee report. H.J. 378.

Feb. 09 89 Recommended amendment, passage. H.J. 378.

Feb. 09 89 Committee amendment H. 3104 filed. H.J. 379.

Feb. 13 89 Amendment H. 3146 filed. H.J. 435.

Feb. 16 89 Amendment H. 3164 filed. H.J. 497.

Feb. 16 89 Amendment H. 3164 adopted. H.J. 497.

Feb. 16 89 Committee amendment H. 3104 as amended, adopted. H.J. 497.

Feb. 16 89 Amendment H. 3146 adopted. H.J. 498.

Feb. 16 89 Passed House, ayes 97, nays 1. H.J. 498.

Feb. 21 89 Message from House. S.J. 467.

Feb. 21 89 Read first time, passed on file. S.J. 467.

Feb. 21 89 Referred to Natural Resources. S.J. 469.

Feb. 23 89 Subcommittee, Priebe, Kibbie and Tieden. S.J. 503.

Feb. 28 89 Committee report. S.J. 567.

Feb. 28 89 Recommended passage. S.J. 567.

Mar. 06 89 Referred to Ways & Means, return to Calendar by 5 p.m.,

3-16-89. S.J. 638.

Mar. 07 89 Subcommittee, Riordan, Fraise and Hester. S.J. 654.

Mar. 16 89 Returned to Calendar S.J. 839.

HF 0015

By Clark and Branstad.

A bill for an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

Jan. 10 89 Introduced, referred to Natural Resources & Outdoor

Recreation. H.J. 46.

Jan. 10 89 Subcommittee, Jay, Gruhn and Tyrrell. H.J. 59.

HF 0025

By Clark.

A bill for an act relating to the licensure and inspection of limited food service establishments and establishing fees.

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92. Jan. 12 89 Introduced, referred to State Government. H.J.
Jan. 17 89 Subcommittee, Knapp, Beatty, Poncy, Tyrrell and
Van Maanen. H.J. 167.

HF 0033

By Harbor and Royer.

A bill for an act relating to categorizing shattercane as
a noxious weed.

123. Jan. 16 89 Introduced, referred to Local Government. H.J.
Jan. 19 89 Subcommittee, Mertz, Peters and Royer. H.J. 230.

HF 0035

By Hanson of Delaware.

A bill for an act relating to the licensing of nonresident
bait dealers
who sell at wholesale to licensed dealers in Iowa for
resale.

Jan. 16 89 Introduced, referred to Natural Resources &
Outdoor Recreation. H.J. 123.
Jan. 19 89 Subcommittee, Lykam, Pellett and Tabor. H.J. 230.

HF 0036

By Diemer.

A bill for an act relating to the caliber of firearms and
the type of
ammunition permitted during gun deer hunting season and
subjecting
violators to a penalty.

Jan. 16 89 Introduced, referred to Natural Resources &
Outdoor Recreation. H.J. 124.
Jan. 19 89 Subcommittee, Schrader, Diemer and Fuller. H.J.
230.

HF 0037

By Halvorson of Clayton.

A bill for an act relating to the continued existence and
membership of

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the Iowa boundary commission.

Jan. 16 89 Introduced, referred to State Government. H.J. 124.

Jan. 17 89 Subcommittee, Pavich, Beatty, Buhr, Garman and Lundby.

H.J. 167.

HF 0075

By Hanson of Delaware.

A bill for an act establishing a lifetime hunting license for legal residents permanently disabled or sixty-five years of age or older.

Jan. 19 89 Introduced, referred to Natural Resources & Outdoor

Recreation. H.J. 186.

Jan. 26 89 Subcommittee, Gruhn, Swartz and Tyrrell. H.J. 264.

HF 0076

By Diemer.

A bill for an act relating to the imposition of an excise tax on certain retail sales of alcoholic liquor and wine, providing for the administration and collection of the excise tax, providing the disposition of tax receipts, making an appropriation, and subjecting violators to penalties.

Jan. 19 89 Introduced, referred to Ways and Means. H.J. 186.

Jan. 25 89 Subcommittee, Osterberg, Fey and Hanson of Delaware.

H.J. 258.

Feb. 14 89 Fiscal note. HCS.

HF 0084

By Svoboda.

A bill for an act relating to the disposition of moneys collected from snowmobile fees.

Jan. 19 89 Introduced, referred to Natural Resources & Outdoor

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Recreation. H.J. 187.

Jan. 26 89 Subcommittee, Schrader, Gruhn and Royer. H.J. 264.

HF 0088

By Natural Resources & Outdoor Recreation.

A bill for an act providing for nonresident hunting licenses for deer and wild turkey. (HSB 17).

Jan. 19 89 Introduced, placed on calendar. H.J. 188.

Jan. 24 89 Amendments H. 3041, H. 3042 filed. H.J. 248.

Jan. 25 89 Amendment H. 3041 lost. H.J. 255.

Jan. 25 89 Amendment H. 3047 filed. H.J. 255.

Jan. 25 89 Amendment H. 3047 lost. H.J. 256.

Jan. 25 89 Amendment H. 3042 withdrawn. H.J. 256.

Jan. 25 89 Passed House, ayes 94, nays 4. H.J. 256.

Jan. 30 89 Message from House. S.J. 220.

Jan. 30 89 Read first time, passed on file. S.J. 220.

Jan. 30 89 Referred to Natural Resources. S.J. 222.

Jan. 31 89 Subcommittee, Kibbie, Peterson and Tieden. S.J. 226.

Feb. 20 89 Amendment S. 3089 filed. S.J. 451.

Feb. 23 89 Committee report. S.J. 512.

Feb. 23 89 Recommended amendment, passage. S.J. 512.

Feb. 23 89 Committee amendment S. 3109 filed. S.J. 512.

Mar. 02 89 Fiscal note. SCS.

Mar. 06 89 Referred to Ways & Means, return to Calendar by 5 p.m.,

3-16-89. S.J. 638.

Mar. 07 89 Subcommittee, Kibbie, Riordan and Hultman. S.J. 654.

Mar. 16 89 Committee report. S.J. 829.

Mar. 16 89 Recommended passage. S.J. 829.

HF 0094

By Svoboda.

A bill for an act prohibiting the operation of a snowmobile upon an abandoned railroad right-of-way except between sunset and sunrise and making penalties applicable.

Jan. 23 89 Introduced, referred to Transportation. H.J. 233.

Jan. 26 89 Subcommittee, Black, Cohoon and Pellett. H.J. 264.

HF 0114

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By Halvorson of Clayton.

A bill for an act relating to an owner's liability for the use of the owner's property by others for recreational activities.

Jan. 25 89 Introduced, referred to Judiciary and Law Enforcement.

H.J. 249.

Feb. 06 89 Subcommittee, Jay, Halvorson of Clayton and McKinney.

H.J. 330.

HF 0124 .

By Natural Resources & Outdoor Recreation.

A bill for an act to increase the fee for the wildlife habitat stamp.
(HSB 47).

Jan. 25 89 Introduced, placed on calendar. H.J. 251.

Feb. 01 89 Passed House, ayes 80, nays 16. H.J. 302.

Feb. 01 89 Fiscal note. HCS.

Feb. 02 89 Explanations of votes. H.J. 319.

Feb. 06 89 Message from House. S.J. 273.

Feb. 06 89 Read first time, passed on file. S.J. 273.

Feb. 06 89 Referred to Natural Resources. S.J. 288.

Feb. 08 89 Subcommittee, Kibbie, Hester and Tieden. S.J. 317.

Feb. 21 89 Committee report. S.J. 471.

Feb. 21 89 Recommended passage. S.J. 471.

Mar. 06 89 Referred to Ways & Means, return to Calendar by 5 p.m.,

3-16-89. S.J. 638.

Mar. 07 89 Subcommittee, Kibbie, Riordan and Hultman. S.J. 655.

Mar. 16 89 Returned to Calendar S.J. 839.

HF 0135

By Hammond.

A bill for an act prohibiting trapping along public streets or roads and near fences separating property and providing a penalty.

Jan. 26 89 Introduced, referred to Natural Resources & Outdoor Recreation. H.J. 261.

Feb. 02 89 Subcommittee, Schrader, Johnson and Pellett. H.J. 320.

HF 0141

By Natural Resources & Outdoor Recreation.

A bill for an act relating to the approval of the natural resource commission of county conservation board acquisitions or developments.
(HSB 50).

Jan. 26 89 Introduced, placed on calendar. H.J. 262.
Jan. 30 89 Amendment H. 3070 filed. H.J. 281.
Feb. 02 89 Amendment H. 3070 adopted. H.J. 310.
Feb. 02 89 Passed House, ayes 94, nays none. H.J. 310.
Feb. 06 89 Explanation of vote. H.J. 330.
Feb. 07 89 Message from House. S.J. 291.
Feb. 07 89 Read first time, passed on file. S.J. 291.
Feb. 07 89 Referred to Natural Resources. S.J. 306.
Feb. 14 89 Subcommittee, Priebe, Mann and Hedge. S.J. 381.
Feb. 28 89 Committee report. S.J. 567.

Feb. 28 89 Recommended amendment, passage. S.J. 567.
Feb. 28 89 Committee amendment S. 3130 filed. S.J. 567.

Mar. 14 89 Committee amendment S. 3130 adopted. S.J. 780.
Mar. 14 89 Passed Senate, ayes 50, nays none. S.J. 780.
Mar. 16 89 Message from Senate. H.J. 820.
Mar. 16 89 Senate amendment H. 3408 filed. H.J. 830.

HF 0143

By De Groot.

A bill for an act relating to payments for planting permanent vegetation on land subject to the federal conservation reserve program.

Jan. 30 89 Introduced, referred to Agriculture. H.J. 269.
Jan. 31 89 Subcommittee, Johnson, Eddie and Schrader. H.J. 292.

HF 0165

By Natural Resources & Outdoor Recreation.

A bill for an act relating to the authority of the county conservation board to grant certain law enforcement powers to its director and employees. (HSB 51).

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- Jan. 31 89 Introduced, placed on calendar. H.J. 283.
Feb. 06 89 Amendment H. 3085 filed. H.J. 333.
Feb. 07 89 Amendment H. 3085 withdrawn. H.J. 343.
Feb. 07 89 Passed House, ayes 97, nays none. H.J. 344.
Feb. 09 89 Message from House. S.J. 334.
Feb. 09 89 Read first time, passed on file. S.J. 334.
Feb. 09 89 Referred to Natural Resources. S.J. 345.
Feb. 14 89 Subcommittee, Tieden, Priebe and Kibbie. S.J.
381.
Mar. 07 89 Committee report. S.J. 669.
Mar. 07 89 Recommended passage. S.J. 669.

HF 0166

By Natural Resources & Outdoor Recreation.

A bill for an act relating to the authority of county conservation boards, by authorizing the charging of certain county park fees and by prohibiting the exclusive use of county parks by one or more organizations. (HSB 48).

- Jan. 31 89 Introduced, placed on calendar. H.J. 283.
Feb. 08 89 Passed House, ayes 82, nays 14. H.J. 354.
Feb. 13 89 Message from House. S.J. 348.
Feb. 13 89 Read first time, passed on file. S.J. 348.
Feb. 13 89 Referred to Natural Resources. S.J. 372.
Feb. 14 89 Subcommittee, Hester, Kibbie and Rensink. S.J.
382.

HF 0197

By Natural Resources & Outdoor Recreation.

A bill for an act to limit operation of motor vehicles in streambeds and providing a penalty. (HSB 49).

- Feb. 02 89 Introduced, placed on calendar. H.J. 309.
Feb. 07 89 Amendment H. 3095 filed. H.J. 348.
Feb. 09 89 Amendment H. 3095 adopted. H.J. 373.
Feb. 09 89 Passed House, ayes 87, nays none. H.J. 373.

Feb. 13 89 Explanation of vote. H.J. 433.
Feb. 14 89 Explanation of vote. H.J. 444.
Feb. 13 89 Message from House. S.J. 348.
Feb. 13 89 Read first time, passed on file. S.J. 348.
Feb. 13 89 Referred to Natural Resources. S.J. 372.
Feb. 14 89 Subcommittee, Priebe, Kibbie and Tieden. S.J.
382.

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Mar. 07 89 Committee report. S.J. 669.
Mar. 07 89 Recommended amendment, passage. S.J. 669.
Mar. 07 89 Committee amendment S. 3180 filed. S.J. 669.
Mar. 09 89 Amendment S. 3200 filed. S.J. 716.
Mar. 13 89 Amendment S. 3254 filed. S.J. 765.

HF 0198

By Natural Resources & Outdoor Recreation.

A bill for an act relating to the issuance and possession
of commercial
fishing operators' licenses. (HSB 156).

Feb. 02 89 Introduced, placed on calendar. H.J. 309.
Feb. 14 89 Amendment H. 3153 filed. H.J. 448.
Mar. 07 89 Amendment H. 3153 adopted. H.J. 670.
Mar. 07 89 Passed House, ayes 96, nays none. H.J. 671.
Mar. 08 89 Explanation of vote. H.J. 697.
Mar. 10 89 Message from House. S.J. 719.
Mar. 10 89 Read first time, passed on file. S.J. 719.
Mar. 10 89 Referred to Natural Resources. S.J. 741.
Mar. 14 89 Subcommittee, Kibbie, Doyle and Rensink. S.J.
769.

HF 0216

By Garman.

A bill for an act relating to the operation of a
watercraft by a person
who is intoxicated and providing penalties.

Feb. 06 89 Introduced, referred to Natural Resources &
Outdoor
Recreation. H.J. 326.
Feb. 09 89 Subcommittee, Schrader, Gruhn and Royer. H.J.
376.

HF 0263

By Garman.

A bill for an act relating to hunting with a firearm
within two hundred
yards of certain buildings.

Feb. 09 89 Introduced, referred to Natural Resources &
Outdoor
Recreation. H.J. 366.
Feb. 16 89 Subcommittee, Jay, Lykam and Pellett. H.J. 503.

HF 0278

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By Fuller.

A bill for an act relating to showing a hunting, fishing, or trapping license, certificate, or permit.

Feb. 10 89 Introduced, referred to Natural Resources & Outdoor Recreation. H.J. 380.

Feb. 16 89 Subcommittee, Fuller, Gruhn and Maulsby. H.J. 504.

HF 0297

By Svoboda.

A bill for an act providing for the registration of bicycles, establishing a registration fee, mandating county treasurers to register bicycles, creating the bicycle trail fund, providing an appropriation, providing a penalty, and providing effective dates.

Feb. 13 89 Introduced, referred to Transportation. H.J. 395.

Feb. 16 89 Subcommittee, Black, Fey and Harbor. H.J. 504.

HF 0299

By Gruhn.

A bill for an act relating to the responsibility of a participant in, and the owner or holder of property used for, a recreational activity.

Feb. 13 89 Introduced, referred to Judiciary and Law Enforcement.

H.J. 395.

Feb. 16 89 Subcommittee, Jay, Halvorson of Clayton and McKinney.

H.J. 504.

HF 0309

By May and Schrader.

A bill for an act to establish an Iowa sportsperson license and a license fee.

Feb. 14 89 Introduced, referred to Natural Resources & Outdoor

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Recreation. H.J. 437.

Feb. 16 89 Subcommittee, May, Diemer and Schrader. H.J. 504.

Feb. 23 89 Committee report. H.J. 554.

Feb. 23 89 Recommended amendment, passage. H.J. 554.

Feb. 23 89 Committee amendment H. 3196 filed. H.J. 555.

HF 0311

By Garman.

A bill for an act relating to the possession of game or
fur-bearing animals lawfully taken.

Feb. 14 89 Introduced, referred to Natural Resources &
Outdoor

Recreation. H.J. 437.

Feb. 16 89 Subcommittee, Koenigs, Black and Stueland. H.J.
504.

HF 0319

By Hanson of Delaware.

A bill for an act relating to the establishment of
benefited recreational lake districts.

Feb. 15 89 Introduced, referred to Local Government. H.J.
449.

Feb. 21 89 Subcommittee, Black, Bisignano and Renken. H.J.
528.

Mar. 16 89 Committee report. H.J. 828.

Mar. 16 89 Recommended passage. H.J. 828.

HF 0327

By Metcalf.

A bill for an act relating to the hunting of pigeons,
including feral pigeons, and subjecting violators to existing penalties.

Feb. 15 89 Introduced, referred to Natural Resources &
Outdoor

Recreation. H.J. 450.

Feb. 16 89 Subcommittee, McKean, Fogarty and Lykam. H.J.
505.

HF 0341

By Halvorson of Clayton and Harbor.

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A bill for an act providing reimbursement for crop losses from wild turkey and deer.

Feb. 16 89 Introduced, referred to Natural Resources & Outdoor

Recreation. H.J. 483.

Feb. 20 89 Subcommittee, Schrader, Black and Stueland. H.J. 517.

HF 0372

By Natural Resources & Outdoor Recreation.

A bill for an act relating to the duties of the natural resource

commission and the environmental protection commission with respect to

budget approval requirements. (HSB 123).

Feb. 21 89 Introduced, placed on calendar. H.J. 524.

Mar. 01 89 Passed House, ayes 93, nays none. H.J. 612.

Mar. 06 89 Message from House. S.J. 629.

Mar. 06 89 Read first time, passed on file. S.J. 629.

Mar. 06 89 Referred to Natural Resources. S.J. 644.

Mar. 07 89 Subcommittee, Husak, Mann and Hedge. S.J. 655.

Mar. 14 89 Committee report. S.J. 788.

Mar. 14 89 Recommended passage. S.J. 788.

HF 0373

By Human Resources.

A bill for an act relating to the registration, regulation, and

inspection of swimming pools and spas, and providing penalties.

Feb. 21 89 Introduced, placed on calendar. H.J. 524.

Feb. 23 89 Fiscal note. HCS.

Feb. 28 89 Amendments H. 3253, H. 3260 filed. H.J. 602.

HF 0382

By Pellett.

A bill for an act relating to the state soil conservation committee, by

providing for the composition of the committee and its powers and duties.

Feb. 22 89 Introduced, referred to State Government. H.J. 533.

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Feb. 23 89 Subcommittee, Buhr, Beatty, Garman, Lundby and Pavich.

H.J. 551.

HF 0391

By Garman and Pellett.

A bill for an act relating to the creation of an artificial lake or

impoundment by the department of natural resources.

Feb. 23 89 Introduced, referred to Natural Resources & Outdoor

Recreation. H.J. 545.

Mar. 08 89 Subcommittee, Black, Pellett and Schrader. H.J. 699.

HF 0409

By Beaman.

A bill for an act providing for an annual limited state camping pass for residents sixty-two years of age or older.

Feb. 27 89 Introduced, referred to Natural Resources & Outdoor

Recreation. H.J. 558.

Mar. 08 89 Subcommittee, McKean, Lykam and Swartz. H.J. 699.

HF 0415

By McKean.

A bill for an act relating to the living roadway trust fund, by providing for the allocation of moneys to and from the fund, and providing an effective date.

Feb. 27 89 Introduced, referred to Transportation. H.J. 559.

Feb. 28 89 Subcommittee, Fey, Connolly and Royer. H.J. 600.

HF 0466

By Maulsby.

A bill for an act relating to fishing license reciprocity.

Mar. 06 89 Introduced, referred to Natural Resources & Outdoor

Recreation. H.J. 650.

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Mar. 08 89 Subcommittee, Koenigs, Jay and Maulsby. H.J. 700.

HF 0477

By Schrader.

A bill for an act relating to the ownership, operation, and regulation of snowmobiles and all-terrain vehicles, imposing fees, subjecting violators to penalties, and providing effective dates.

Mar. 07 89 Introduced, referred to Natural Resources & Outdoor Recreation. H.J. 664.

Mar. 08 89 Subcommittee, Schrader, McKean and Osterberg. H.J. 700.

Mar. 16 89 Committee report. H.J. 829.

Mar. 16 89 Recommended amendment, passage. H.J. 829.

Mar. 16 89 Committee amendment H. 3426 filed. H.J. 831.

Mar. 17 89 Amendment H. 3441 filed. H.J. 842.

HF 0480

By Cohoon.

A bill for an act relating to the licensing of fur dealers and subjecting violators to an existing penalty.

Mar. 07 89 Introduced, referred to Natural Resources & Outdoor Recreation. H.J. 665.

Mar. 08 89 Subcommittee, May, Koenigs and Tyrrell. H.J. 700.

Mar. 14 89 Committee report. H.J. 789.

Mar. 14 89 Failed committee passage, in Natural Resources & Outdoor Recreation. H.J. 789.

Mar. 16 89 Committee report. H.J. 829.

Mar. 16 89 Rconsidered, recommended amendment, passage. H.J. 829.

Mar. 16 89 Committee amendment H. 3418 filed. H.J. 831.

HF 0561

By Rosenberg.

A bill for an act establishing an Iowa reforestation project.

Mar. 09 89 Introduced, referred to Natural Resources & Outdoor Recreation. H.J. 710.

Mar. 15 89 Subcommittee, Johnson, McKean and Osterberg. H.J. 810.

HF 0606

By Diemer.

A bill for an act allowing a county to allocate a portion of its secondary road fund allotment to its county conservation board for improvement, construction, or reconstruction of county conservation parkways.

Mar. 14 89 Introduced, referred to Transportation. H.J. 774.

HF 0607

By Jay and Brown.

A bill for an act transferring responsibility and funding of the statewide trails development program from the state department of transportation to the department of natural resources.

Mar. 14 89 Introduced, referred to Natural Resources & Outdoor Recreation. H.J. 775.

Mar. 16 89 Subcommittee, Jay, Black and Diemer. H.J. 824.

HF 0608

By Buhr.

A bill for an act requiring the state department of transportation to publish and distribute an operator's manual.

Mar. 14 89 Introduced, referred to Transportation. H.J. 775.

SF 0010

By Priebe.

A bill for an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

Jan. 09 89 Introduced, passed on file. S.J. 19.

Jan. 09 89 Referred to Natural Resources. S.J. 39.

Jan. 11 89 Subcommittee, Priebe, Mann and Goodwin. S.J. 69.

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SF 0013

By Sturgeon.

A bill for an act to require commercial establishments which hold a

license or permit for the consumption of alcoholic beverages or beer on

the premises to maintain a test machine for use by the establishment's

patrons for breath analysis of blood alcohol content.

Jan. 09 89 Introduced, passed on file. S.J. 19.

Jan. 09 89 Referred to State Government. S.J. 39.

Jan. 11 89 Subcommittee, Horn, Carr and Rife. S.J. 70.

SF 0019

By Hester.

A bill for an act requiring the natural resource commission to adopt a

rule to allow handicapped individuals to use a crossbow.

Jan. 10 89 Introduced, passed on file. S.J. 49.

Jan. 10 89 Referred to Natural Resources. S.J. 48.

Jan. 11 89 Subcommittee, Priebe, Mann and Goodwin. S.J. 70.

SF 0025

By Taylor.

A bill for an act providing for nonresident hunting licenses for deer and wild turkey.

Jan. 11 89 Introduced, passed on file. S.J. 67.

Jan. 11 89 Referred to Natural Resources. S.J. 73.

Jan. 16 89 Subcommittee, Kibbie, Tieden and Peterson. S.J. 92.

SF 0028

By Taylor.

A bill for an act establishing the crime of assault against a peace officer and providing a penalty.

Jan. 11 89 Introduced, passed on file. S.J. 67.

Jan. 11 89 Referred to Judiciary. S.J. 73.

Jan. 16 89 Subcommittee, Mann, Varn and Taylor. S.J. 92.

SF 0043

By Rife.

A bill for an act relating to the authority of township trustees to order the rebuilding or repair of fences by railway corporations.

Jan. 16 89 Introduced, passed on file. S.J. 89.

Jan. 16 89 Referred to Local Government. S.J. 99.

Jan. 18 89 Subcommittee, Fraise, Kinley and Jensen. S.J.

118.

Feb. 06 89 Committee report. S.J. 288.

Feb. 06 89 Recommended passage. S.J. 288.

Feb. 08 89 Referred to Transportation. S.J. 311.

Feb. 08 89 Subcommittee, Lloyd-Jones, Gettings and Goodwin.

S.J. 317.

SF 0054

By Hultman.

A bill for an act to reduce park user fees for persons sixty-five years of age or older.

Jan. 16 89 Introduced, passed on file. S.J. 99.

Jan. 16 89 Referred to Natural Resources. S.J. 99.

Jan. 17 89 Subcommittee, Husak, Mann and Hedge. S.J. 103.

SF 0057

By Natural Resources.

A bill for an act requiring the natural resource commission to adopt a rule to allow handicapped individuals to use a crossbow.

Jan. 18 89 Introduced, placed on calendar. S.J. 122.

Jan. 18 89 Committee report. S.J. 120.

Jan. 18 89 Approved. S.J. 120.

Jan. 23 89 Passed Senate, ayes 47, nays 1. S.J. 146.

Jan. 25 89 Message from Senate. H.J. 249.

Jan. 25 89 Read first time, referred to Natural Resources & Outdoor

Recreation. H.J. 251.

Jan. 31 89 Subcommittee, Tyrrell, Johnson and Osterberg. H.J. 293.

SF 0071

By Varn.

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A bill for an act authorizing a special land use district to designate an area for preservation as an area of historical significance.

Jan. 23 89 Introduced, passed on file. S.J. 145.
Jan. 23 89 Referred to Local Government. S.J. 160.
Jan. 25 89 Subcommittee, Szymoniak, Jensen and Fraise. S.J. 185.
Jan. 31 89 Committee report. S.J. 233.
Jan. 31 89 Recommended passage. S.J. 233.
Feb. 06 89 Passed Senate, ayes 49, nays none. S.J. 276.
Feb. 08 89 Message from Senate. H.J. 352.
Feb. 09 89 Read first time, referred to Local Government. H.J. 368.
Feb. 13 89 Subcommittee, Bisignano, Brown and Diemer. H.J. 434.
Feb. 21 89 Committee report. H.J. 530.
Feb. 21 89 Recommended passage. H.J. 530.

SF 0075

By Bruner.

A bill for an act prohibiting trapping along public streets or roads and near fences separating property and providing a penalty.

Jan. 23 89 Introduced, passed on file. S.J. 148.
Jan. 23 89 Referred to Natural Resources. S.J. 160.
Jan. 25 89 Subcommittee, Husak, Hedge and Goodwin. S.J. 185.

SF 0108

By Scott, Jensen, Murphy, Priebe, Miller, Husak, Taylor, Tieden, Hannon, Corning, Vande Hoef, Hutchins, Tinsman, Kinley, Drake, Carr, Hester, Rensin Goodwin, Riordan, Dieleman, Soorholtz, Fraise, Boswell, Gettings, Horn, Sturgeon, Lind, Bruner, Nystrom, Palmer, Varn, Hagerla, Hultman and Hedge.

A bill for an act appropriating funds for the restoration and repair of a dam on the Cedar river in the city of Nashua.

Jan. 30 89 Introduced, passed on file. S.J. 211.
Jan. 30 89 Referred to Appropriations. S.J. 222.
Feb. 01 89 Subcommittee, Gronstal, Welsh, Varn, Lind and Tinsman.

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S.J. 244.

Feb. 27 89 Committee report. S.J. 543.

Feb. 27 89 Recommended amendment, passage. S.J. 543.

Feb. 27 89 Committee amendment S. 3120 filed. S.J. 543.

SF 0137

By Vande Hoef.

A bill for an act authorizing the county conservation board to charge certain county park fees.

Feb. 02 89 Introduced, passed on file. S.J. 251.

Feb. 02 89 Referred to Natural Resources. S.J. 272.

Feb. 06 89 Subcommittee, Hester, Rensink and Peterson. S.J. 286.

SF 0196

By Pate.

A bill for an act relating to the licensing of nonresident bait dealers who sell at wholesale to licensed dealers in Iowa for resale.

Feb. 13 89 Introduced, passed on file. S.J. 360.

Feb. 13 89 Referred to Natural Resources. S.J. 372.

Feb. 14 89 Subcommittee, Husak, Mann and Goodwin. S.J. 381.

SF 0200

By Nystrom.

A bill for an act relating to the construction of anaerobic lagoons and disposal systems near a state park, and providing an effective date.

Feb. 13 89 Introduced, passed on file. S.J. 369.

Feb. 13 89 Referred to Environment and Energy Utilities. S.J. 372.

Feb. 15 89 Subcommittee, Gronstal, Sturgeon and Pate. S.J. 406.

SF 0209

By Riordan.

A bill for an act relating to the creation of an artificial lake or impoundment by the department of natural resources.

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Feb. 14 89 Introduced, passed on file. S.J. 391.
Feb. 14 89 Referred to Natural Resources. S.J. 394.
Feb. 20 89 Subcommittee, Priebe, Mann and Hester. S.J. 450.
Feb. 27 89 Amendment S. 3117 filed. S.J. 545.

SF 0214

By Human Resources.

A bill for an act relating to the registration, regulation, and inspection of swimming pools, spas, and bathing beaches and providing penalties. (Formerly Study Bill 95).

Feb. 14 89 Introduced, placed on calendar. S.J. 392.
Feb. 14 89 Committee report. S.J. 396.
Feb. 14 89 Approved. S.J. 396.

Feb. 20 89 Point of order raised. S.J. 444.
Feb. 20 89 Referred to Ways & Means, return to Calendar by 5

p.m.,

3-9-89. S.J. 444.

Feb. 23 89 Subcommittee, Fuhrman, Gentleman and Szymoniak. S.J. 503.

Feb. 20 89 Fiscal note. SCS.
Feb. 28 89 Committee report. S.J. 568.
Feb. 28 89 Recommended amendment, passage. S.J. 568.

Feb. 28 89 Committee amendment S. 3133 filed. S.J. 568.
Mar. 01 89 Amendment S. 3147 filed. S.J. 582.
Mar. 03 89 Amendment S. 3169 filed. S.J. 626.
Mar. 03 89 Fiscal note. SCS.
Mar. 16 89 Amendment S. 3295 filed. S.J. 843.

SF 0217

By Running.

A bill for an act relating to the inspection and certification of deer meat, and providing penalties.

Feb. 15 89 Introduced, passed on file. S.J. 398.
Feb. 15 89 Referred to Agriculture. S.J. 412.
Feb. 22 89 Subcommittee, Hester, Vande Hoef and Fuhrman. S.J. 477.
Mar. 01 89 Committee report. S.J. 581.
Mar. 01 89 Recommended passage. S.J. 581.
Mar. 08 89 Fiscal note. SCS.

SF 0221

By Tieden, Hagerla and Taylor.

A bill for an act relating to the licensing of fur dealers and subjecting violators to an existing penalty.

Feb. 15 89 Introduced, passed on file. S.J. 408.

Feb. 15 89 Referred to Natural Resources. S.J. 412.

Feb. 20 89 Subcommittee, Priebe, Doyle and Goodwin. S.J. 450.

Mar. 16 89 Committee report. S.J. 827.

Mar. 16 89 Recommended amendment, passage. S.J. 827.

Mar. 16 89 Committee amendment S. 3294 filed. S.J. 827.

SF 0244

By Hagerla and Pate.

A bill for an act relating to the Iowa conservation corps program.

Feb. 20 89 Introduced, passed on file. S.J. 452.

Feb. 20 89 Referred to Appropriations. S.J. 455.

Feb. 21 89 Subcommittee, Welsh, Gronstal and Tieden. S.J. 463.

SF 0245

By Hagerla, Pate and Vande Hoef.

A bill for an act relating to the operation of a watercraft by a person who is intoxicated and providing penalties.

Feb. 20 89 Introduced, passed on file. S.J. 452.

Feb. 20 89 Referred to Natural Resources. S.J. 455.

Feb. 23 89 Subcommittee, Mann, Kibbie and Hedge. S.J. 503.

SF 0258

By Jensen.

A bill for an act relating to the authority of township trustees to order the rebuilding or repair of certain fences.

Feb. 21 89 Introduced, passed on file. S.J. 468.

Feb. 21 89 Referred to Local Government. S.J. 469.

Feb. 28 89 Subcommittee, Miller, Jensen and Fraise. S.J. 558.

SF 0284

By Kibbie.

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A bill for an act requiring a law enforcement officer to forward a copy of a uniform citation and complaint to the parent or legal guardian of a cited person under the age of eighteen.

Feb. 27 89 Introduced, passed on file. S.J. 516.

Feb. 27 89 Referred to Judiciary. S.J. 542.

Feb. 28 89 Subcommittee, Mann, Varn and Gentleman. S.J. 558.

SF 0310

By Pate.

A bill for an act relating to the establishment of benefited recreational lake districts.

Mar. 01 89 Introduced, passed on file. S.J. 577.

Mar. 01 89 Referred to Natural Resources. S.J. 596.

Mar. 06 89 Subcommittee, Priebe, Mann and Hester. S.J. 643.

SF 0375

By Natural Resources.

A bill for an act relating to the creation of an artificial lake or impoundment by the department of natural resources.

Mar. 08 89 Introduced, placed on calendar. S.J. 683.

Mar. 08 89 Committee report. S.J. 679.

Mar. 08 89 Approved. S.J. 679.

SF 0387

By Agriculture.

A bill for an act relating to the establishment of prices for nursery stock by the department of natural resources. (Formerly Study Bill 286).

Mar. 09 89 Introduced, placed on calendar. S.J. 691.

Mar. 09 89 Committee report. S.J. 699.

Mar. 09 89 Approved. S.J. 699.

Mar. 15 89 Amendment S. 3277 filed. S.J. 811.

SF 0400

By Lind.

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A bill for an act relating to expenditures of moneys on state park roads, county conservation parkways, and the great river road.

Mar. 09 89 Introduced, passed on file. S.J. 707.

Mar. 09 89 Referred to Transportation. S.J. 710.

Mar. 13 89 Subcommittee, Drake, Lloyd-Jones and Scott. S.J. 763.

Mar. 14 89 Committee report. S.J. 775.

Mar. 14 89 Recommended passage. S.J. 775.

SF 0427

By Local Government.

A bill for an act authorizing a writing fee for the issuance of state park user permits. (Formerly Study Bill 321).

Mar. 14 89 Introduced, placed on calendar. S.J. 776.

Mar. 14 89 Committee report. S.J. 774.

Mar. 14 89 Approved. S.J. 774.

SF 0429

By Lind.

A bill for an act providing scheduled fines for certain violations of snowmobile regulations, game and fish regulations, and parks.

Mar. 14 89 Introduced, passed on file. S.J. 777.

Mar. 14 89 Referred to Natural Resources. S.J. 787.

Mar. 15 89 Subcommittee, Kibbie, Doyle and Hedge. S.J. 797.

SF 0439

By Natural Resources.

A bill for an act relating to the development and maintenance of nursery products by the department of natural resources, establishing an Iowa resource trust fund, and providing for the appropriation of proceeds of the fund. (Formerly Study Bill 312).

Mar. 15 89 Introduced, placed on calendar. S.J. 792.

Mar. 15 89 Committee report. S.J. 800.

Mar. 15 89 Approved. S.J. 801.

SF 0440

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By Natural Resources.

A bill for an act relating to wildlife habitat stamps, by requiring a stamp for fishing licenses, by providing for the administration of the stamp program, and providing an effective date. (Formerly Study Bill 313).

Mar. 15 89 Introduced, placed on calendar. S.J. 792.

Mar. 15 89 Committee report. S.J. 801.

Mar. 15 89 Approved. S.J. 801.

Mr. Combs distributed copies of bills of interest to the Commission and gave the status of each.

Clark Yeager asked about the bill to abolish the Environmental Protection Commission.

Mr. Combs stated that he does not have the language on that bill but the understanding he has, from what he saw in the newspaper, is that the bill would propose the EPC Commission be abolished and two new members be added to the Natural Resource Commission. This bill has cleared the House Energy and Environmental Protection Committee.

Nancylee Siebenmann asked about a report stating that newly developed degradable bags still contain petroleum by-products which can leak into groundwater when the bags break down, and she wanted to know if this is a true statement.

Mr. Combs stated that what we know about degradable plastic bags is that there is a corn starch that goes into the plastic polymer, and when the corn starch breaks down the bag breaks down into molecule sized particles. What is not known is whether the particles are still plastic, if they have degraded to something else, or exactly what it is at that time.

Mrs. Siebenmann stated that it would be a shame if some type of legislation on degradable products is not passed in Iowa, in view of the Governor's program with the National Governor's Association being focused on the environment. This was an informational item; no action was required.

RECESS

Chairman Schlutz recessed the meeting at 5:00 p.m., Monday, March 20, 1989.

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MEETING RECONVENES 8:30 A.M., TUESDAY, MARCH 21, 1989

Discussion took place in regards to Clark Yeager's questions yesterday pertaining to air quality permit and stack requirements for a certain hospital.

Mr. Stokes related that an error was made by the department - in an attempt to not delay the issuance of the permit, staff did not, in the first instance, do modeling for that permit. Information taken from another state with similar facilities was used to determine permit limitations in the original permit for that hospital. Through modeling efforts for another facility, staff came to the realization that different numbers and parameters were being seen than what they had seen in the literature from the other state. He went on to explain what corrective measures were taken and what options were available to the hospital.

Clark Yeager asked Mr. Stokes to review the procedure and schedule for issuing these permits to hospitals.

Mr. Stokes explained the general procedure being used, and a lengthy discussion followed regarding same.

Mr. Stokes stated that the whole area of air toxics is an issue that the Commission will deal with soon. In May, staff will bring before the Commission suggested regulations as to future permitting of these kinds of sources, and the Commission will render the decision as to what is an appropriate risk level as well as review the process of how permits are issued.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

Bianchi-Meyrat Lagoon

Mike Murphy, Governmental Liaison Bureau, stated that a number of problems have taken place over the years in obtaining the proper monitoring and reporting on this facility. In 1987, an Administrative Order was issued with a penalty. The Order was appealed, and after discussions with the responsible people, the department felt a settlement was reached and the penalty was dropped. Deficiencies continued, and in December, 1988 a second Administrative Order was issued with a penalty, and no appeal was received. Mr. Murphy stated that since December, 1988 monitoring has been performed satisfactorily, but the penalty was not paid and referral is being sought to collect the penalty.

APPOINTMENT - STEVE GRANT

Steve Grant addressed the Commission stating that Steve Grgurich of DNR came out and explained how to do sampling and monitoring, and as a result of this conservation, it was his (Mr. Grant's) understanding that if there was no discharge the test would not have to be done. Mr. Grant related that since the water was low and there was no discharge, he did not mail the reports in for about four to five months. He said they then received another fine so he called Mr. Grgurich to find out what needed to be done, and Mr. Grgurich said that the water sampling test did not have to be done, but the monitoring still had to be done. Mr. Grant stated that he then called Vic Kennedy, and Mr. Kennedy informed him that he would have to discuss it with DNR to get the fine dropped. He added that Mr. Kennedy said that if he would start to do the test again they would consider dropping the fine.

Discussion followed regarding the testing, monitoring, reporting, and Mr. Grant's understanding and responsibilities in regards to same.

Mr. Murphy stated that the lagoon has been there since 1984 and regional staff had dealt with representatives over the years trying to get the reports in. He stated that staff would dispute Mr. Grant's statement that Steve Grgurich did not clearly tell them what needed to be done. He added that Vic Kennedy did not tell Mr. Davis that the penalty would be dropped, as it has already been rescinded once before. Also, they knew how to appeal as they had appealed the first Order, and they did not appeal this Order.

Nancylee Siebenmann stated that she is in sympathy with the confusion which occurred, but it is clear that the fine should have been paid or an appeal should have been made, and in view of that she would recommend referral.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Donna Hammitt.

Clark Yeager asked if this fine is similar to fines imposed on other facilities that have had wastewater violations.

Mr. Murphy responded that it is the same, particularly when it was a second Administrative Order.

Motion carried unanimously.

City of Des Moines

Mike Murphy stated that this case involves disposal of sludge from the City of Des Moines wastewater treatment facilities. The more liquid sludge is being disposed of by a contractor, Enviroland, Inc., but the city, as generator, is responsible for

disposal of this waste. Mr. Murphy stated that violations noted include November 8, 1988 disposal on floodplain land where incorporation is to occur within 48 hours. He added that sludge was incorporated, but beyond the time period specified. On December 12, 1988 disposal occurred within 250 feet of a private well, and on January 12, 1989 disposal of liquid sludge occurred in proximity to tile intakes and also on frozen ground where the land slopes greater than five percent. On January 20, 1989 disposal occurred within 120 feet of two tile intakes. To supplement the report previously given to the Commission, another violation occurred last week when 50 to 60 thousand gallons of liquid sludge removed from the digestors was stored temporarily in an animal waste confinement pit, in Polk County, without obtaining a permit. Mr. Murphy related that there had been a request to the department for a permit, but the department had not yet responded and the contractor went ahead and began transporting the sludge anyway. The city was subsequently told to remove the sludge from the pit, and they have done so. Mr. Murphy noted that with the cumulative number of complaints the department has had to respond to over the last five months, it is the feeling of staff that the City of Des Moines should exercise more responsibility to avoid these types of violations, and therefore, referral is recommended.

Chairman Schlutz asked how long before depositing the sludge in the pit did they the City apply for the permit. Mr. Murphy responded that the contractor contacted field office staff and wanted to know if it was necessary to have a permit to temporarily store. Field office staff told them the next day that they would need a permit, but the city had already started to store.

APPOINTMENT - HAROLD SMITH

Harold Smith, City of Des Moines, stated that the City of Des Moines is currently at mid-construction of a new sewage treatment plant and wastewater system. To put the issue in perspective, he gave a history of the old plant and its capabilities in comparison with what the new plant will do. Mr. Smith related that 27,000 tons of sludge were land applied to 14,000 acres of farmland in Central Iowa in one and one-half years. He stated that the City of Des Moines has a well managed land application program.

Mr. Smith gave a summary of the violations cited by DNR staff and the actions taken by the city in regards to these violations. He stated that minor violations did occur, but there was no environmental impact and corrective actions were immediately taken by the city.

Mr. Smith stated that about a month ago the city met with Allan Stokes regarding the three minor violations and, until last week, they were working out an Administrative Order with staff. He added that Mr. Stokes chose to send the issues to the Commission instead of following through with the Administrative Order. He stated that last night the city council adopted amendments to their land application program and he explained same. The regulations adopted by the city for low rate application are three times more stringent than allowed by the state. Mr. Smith stated that their commitment is to do the job right and in an environmentally safe manner.

CAROL HAAGE - ENVIROLAND, INC., CITY OF DES MOINES REFERRAL

Carol Haage, President of Enviroland, Inc., addressed the Commission giving an overview of the company. Ms. Haage stated that, prior to Enviroland coming to Des Moines, their coordinator of field services called the DNR and asked for regulations for sludge application in Iowa, and they received a copy of Chapter 121 of the Departmental Rules. She related that from November, 1988 to January, 1989 they had no problems or complaints. On March 13, 1989 Enviroland left the farmer's land where they were applying sludge because equipment was causing soil compaction and the owner asked that they temporarily leave. She added that their service is to the farmer as well as the City of Des Moines. Ms. Haage stated that she checked the regulations in Chapter 121 and one of the provisions was that necessary, temporary storage must be obtained. In checking around, one farmer had a cattle confinement area where the sludge could be stored. Ms. Haage noted that she thought they were responding to Chapter 121 in obtaining the necessary storage. She related that the City of Des Moines was not notified by Enviroland that they were going to move the sludge from a digester to that particular storage site. On Tuesday (March 14), the city asked Enviroland to check with DNR to make sure everything was okay. Ms. Haage checked late that afternoon with a DNR staff person who said that a permit may be required, and he would let her know if one is needed. On Thursday, Enviroland received notice from DNR that a permit was needed to temporarily store the sludge. Also received was a fax copy of Chapter 102. Ms. Haage related that if she had known about Chapter 102 she would have applied for a permit. Subsequently, the department told Enviroland to remove the sludge, which has since been removed. She stated that, as of now, Enviroland is following the regulations adopted by the City of Des Moines last night, and the company is very committed to doing the job right.

BILL KING - ENVIROLAND, INC., CITY OF DES MOINES REFERRAL

Bill King, Counsel for Enviroland, Inc., recapped the situations encountered by Enviroland and explained the response taken by them. He stated that Enviroland did not intentionally act in disregard of the law, but instead apprised themselves of what the law is. The section of the law they received from DNR did not include the section involving their particular problem. He noted that if the contractor had been aware of Chapter 104, what they would have done is exactly what they did do when immediately becoming apprised of the situation, which was to make arrangements for field application. Mr. King distributed copies of a letter from Enviroland, to the City of Des Moines, confirming that they will follow the new regulations passed at the city council meeting last night. In conclusion, Mr. King stated that Enviroland is operating responsibly and will continue to work with all entities to complete this project to everyone's satisfaction.

Charlotte Mohr asked how long Enviroland has been in business.

Carol Haage replied that the company has been in business since January, 1985.

Commissioner Mohr stated that with two entities as large in scope as the City of Des Moines and Enviroland, they should know the ground rules. She added that there is a P-R problem, and to come out with rules approved by the city council last night is after-the-fact, when it should have been done at the time Enviroland started business with Des Moines.

Carol Haage stated that Enviroland was responding to the rules put in place by Des Moines last night, even before they were approved. She stated that the reason they asked DNR for the regulations was to have more information. She reviewed the incident of January 12, and their efforts in incorporating the sludge, and finally closing the tiles to the satisfaction of the department.

Discussion followed regarding Chapters 104 and 121 of the departmental rules, and the types of permits required for storage.

Clark Yeager commented that this is at least the third time that the Commission has heard about Des Moines' sewage sludge problem and he would recommend referral.

Motion was made by Clark Yeager for referral to the Attorney General's Office. Seconded by Charlotte Mohr.

Donna Hammitt commented that she has not seen any blatant attempt to get away with anything, but there is a lack of attention to detail and that is very important.

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Motion carried unanimously.

CHEEC REPORT

Nancylee Siebenmann gave a report on the CHEEC meeting held last week. She stated that they have published some background on members of the Executive Committee. The board is concerned about putting new members on in hopes that they have better attendance at the meetings. Universitywide strategic planning is being done and the Center is concerned that they continue to build and be a viable Center. Certain areas such as the cancer registry was brought up and Iowa could lose the cancer registry and the low birth rate registry because NIH is not planning to fund those projects. There is concern that because other states are interested in taking this over, Iowa might lose it.

James Combs noted that this issue was presented to the governor by the Department of Health, in the budget process, and was not picked as one of the decision packages. Basically, the state needs to provide some money to allow the registry to continue.

Nancylee Siebenmann commented that maybe this could be incorporated as part of the appropriations package.

ADDRESS ITEMS FOR NEXT MEETING

James Combs informed the Commission that their May meeting is scheduled one week before the Safety-Kleen hearing. The Commission decided to hold the May meeting on May 22, beginning at 8:00 a.m., prior to the Safety-Kleen hearing which convenes at 10:00 a.m. Only items in need of immediate attention will be handled at the May meeting.

ADJOURNMENT

*Motion was made by Charlotte Mohr to adjourn the meeting.
Seconded by Donna Hammitt. Motion carried unanimously.*

With no further business to come before the Environmental Protection Commission, Chairman Schlutz adjourned the meeting at 11:30 a.m., Tuesday, March 21, 1989.

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Charlotte Mohr, Secretary


Larry J. Wilson, Director

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Minutes of the Environmental Protection Commission Meeting

Electronic Meeting March 1, 1989

Wallace State Office Building, Des Moines, Iowa

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MARCH 1989 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 8:05 a.m. on March 1 1989.

MEMBERS PRESENT

Gary Priebe, Nancy Lee Siebenmann, Donna Hammitt, Robert Schlutz (after 8:25 a.m.), Charlotte Mohr, and Clark Yeager.

MEMBERS ABSENT

Catherine Dunn

Director Larry Wilson announced that Robert Schlutz was not presently available, but that he will join the meeting soon. He stated that with five commissioners present there is a quorum and he asked the commissioners if they wish to conduct business or prefer to wait for Robert Schlutz.

It was decided to proceed with the meeting and Charlotte Mohr presided over the meeting in the absence of the chairperson and vice-chairperson.

Mike Murphy, Bureau Chief, Governmental Liaison Bureau, stated that the reason for the meeting was to discuss only one item which was a carryover from the prior EPC meeting. The electronic meeting, in accordance with 21.8 of the Code of Iowa, was necessary due to the need to file the Notice of Intended Action by March 3, in order to meet the statutory deadline for adoption, and because this is a more practical manner of conducting the meeting than incurring expenses to bring all Commissioners to Des Moines to handle one item.

Motion was made by Donna Hammitt to hold an electronic meeting of the Commission, for the reasons stated by Mr. Murphy, to act on Notice of Intended Action--Chapter 133, General Guidelines for Deter and Responsible Parties. Seconded by Nancy Lee Siebenmann. Motion carried unanimously.

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NOTICE OF INTENDED ACTION--CHAPTER 133, GENERAL GUIDELINES FOR
DETERMINING CLEANUP ACTIONS AND RESPONSIBLE PARTIES

Attached is the revised Notice of Intended Action on the above subject. The changes from the proposal discussed at the February meeting, or other discussion points, are highlighted. This proposal will be discussed and the Commission is requested to approve these for public participation.

(Notice is shown on the following 19 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 455E.5, the Environmental Protection Commission for the Department of Natural Resources gives notice of intended action to adopt a new Chapter 133, "General Guidelines for Determining Cleanup Actions and Responsible Parties."

Iowa Code section 455E.5(5) provides that documentation of any contaminant which presents a significant risk to human health, the environment, or the quality of life shall result in either active or passive cleanup. This section further requires the department, by July 1, 1989, to adopt rules which specify the general guidelines for determining the cleanup actions necessary to meet the goals of the state and the general procedures for determining the parties responsible. These proposed rules are intended to comply with this duty. In addition, the department has duties to control, abate and remediate pollution and hazardous conditions under numerous provisions of Iowa Code Chapter 455B, most pertinently Division III, Part 1 (water quality), and Division IV, Part 4 (hazardous conditions). In implementing the department's authority to require cleanup actions under these authorities, related issues with respect to the duties of the department and potentially responsible parties have evolved over the years. For example, how much does the department have to do to document a problem, and when does it become the responsibility of others to investigate further? These proposed rules are intended to clarify these issues as well.

This proposal is intended to be consistent with the recommendations of the Commission in a report on the role of groundwater standards in Iowa's programs, recently submitted

- ① to the General Assembly. That report did not recommended against the adoption of groundwater standards, but among other things did recommend promulgation of cleanup guidelines based on current federal lifetime health advisories where contamination has occurred from point sources of contamination. These proposed rules specifically
- ② address cleanup guidelines as to point source contamination only. In-addition, ~~it is anticipated that t~~These rules will have to be amended at a later date to address other aspects of the recommendations relating to nonpoint source groundwater contamination, which will require additional statutory authority. The Commission seeks comment on all aspects of these rules. The following background and explanation is presented regarding the responsible party portions of the rules.

The department is required, pursuant to Iowa Code section 455E.5(5), to adopt rules which specify procedures for determining the parties responsible for taking cleanup actions necessary to meet the goals of the state. These goals are to:

1. Prevent, abate or control water pollution. 455B.172(1), 455B.173(1)
2. Maintain the existing quality of water of the state where the quality thereof exceeds the requirements of the state water quality standards. 455B.173(2)
3. Protect surface and groundwater sources as necessary to ensure long-term availability in terms of quantity and quality to preserve the public health and welfare. 455B.262(3)
4. Protect the health, safety and welfare of Iowans and the environment by safely and sanitarilly disposing of solid wastes. 455B.301A(1)

5. Prevent, abate and control the exposure of the citizens of the state to hazardous conditions. 455B.382

6. Prevent contamination of groundwater from point and nonpoint sources of contamination to the maximum extent practical, and if necessary, to restore the groundwater to a potable state, regardless of present condition, use or characteristics. 455E.4

The department has, historically, exercised numerous and various statutory authorities to require cleanup actions necessary to meet these goals. They are:

1. A pollutant shall not be disposed of by dumping, depositing or discharging such pollutant into a water of the state without a permit. 455B.186

The director is authorized to issue an order to any person violating this provision, a permit or rule directing the person to desist. 455B.175. Any person who violates this provision, a permit or rule is subject to the penalties set forth in 455B.191.

2. A private agency or public agency shall not dump or deposit or permit the dumping or depositing of any solid waste at any place other than a permitted sanitary disposal project. 455B.307(1)

The director may issue any order necessary to secure compliance. 455B.307(2) Any person who violates this provision or any rule is subject to a civil penalty. 455B.307(3)

3. When any hazardous condition exists, the director may remove or provide for the removal and disposal of the hazardous substance at any time, unless the director determines such removal will be properly and promptly accomplished by the owner or operator of the vessel, vehicle, container, pipeline or other facility. 455B.387(1)

If the director determines that an emergency exists respecting any matter affecting or likely to affect the public health, the director may issue any order necessary to terminate the emergency. 455B.388(1)

A "person having control over a hazardous substance" is strictly liable to the state for certain costs incurred by the state. 455B.392(1) Defenses to liability are set forth in 455B.392(3) and (4). "Person having control over a hazardous substance" is defined by 455B.381(8).

4. If upon receipt of any information, the director determines that the presence of a hazardous waste at a facility or site at which hazardous waste is, or has been stored, treated or disposed of, or the release of the waste from the facility or site may present a substantial hazard to human health or the environment, the director may issue an order requiring the owner or the operator of the facility or site to conduct reasonable monitoring, testing, analysis and reporting with respect to the facility or site to determine the nature and extent of the hazard. 455B.416(4) This liability is limited by 455B.416(4)"b" to the most recent owner or operator of a facility or site, which is not in operation, who could reasonably be expected to have actual knowledge to carry out the investigation. 455B.416(4)"c" authorizes the director to conduct the necessary investigation and to seek reimbursement.

5. 455B.418(1)"c" provides that when the director determines that a disposal site contains a hazardous waste in an amount and under conditions that cause an imminent threat to human health and that the person responsible for the site will not take action, the director may act and recover costs from the person responsible for the disposal site.

6. An owner or operator of an underground storage tank who violates any provision of Part 8, of 455B, or rule of the department is subject to the enforcement authority of the director pursuant to 455B.476. If an emergency exists, the director may issue any order necessary. 455B.476(2) The terms "owner" and "operator" are defined by 455B.471.

The terms "any person," "owner," "operator" and "responsible person" are generally ambiguous and have been applied differently in various contexts, particularly as they relate to liability under the various environmental programs. The interpretation of these terms is generally the result of the application of commonly accepted principles of statutory construction and common law principles bearing upon the same subject. The equal and sequential consideration and application of these principles in this instance is necessary and appropriate.

In this regard, Chapters 455B and 455E are the sort of environmental legislation that represents the exercise by the state of the traditional power to regulate public nuisances. In fact, prior to the passage of these laws, environmental problems were redressed as nuisances under Chapter 657. See Northwestern Laundry v. City of Des Moines, 36 S. Ct. 206, 239 U.S. 486, 60 L. Ed. 396 (1916), Andrews v. Western Asphalt Paving Corporation, 188 NW 900 (IA 1922) and McGill v. Pintisch Compressing Co., 118 NW 786 (IA 1908) regarding air pollution, and Newton v. City of Grundy Center, 70 NW 2d 112 (IA 1955), Stovern v. Town of Calmar, 216 NW 112 (IA 1927), Bowman v. Humphrey, 109 NW 714 (IA 1906) and Ferguson v. Firmenich Mfg. Co., 42 NW 488 (IA 1889) regarding water pollution and Incorporated Town of Carter Lake v. Anderson Excavating & Wrecking Co., 241 NW 2d 896 (IA 1976).

The Iowa Supreme Court has ruled specifically that Iowa Code Chapter 657 regarding nuisances does not change the common law as to nuisances so as to take away any rights held by the public under common law. State v. Chicago Great Western R. Co., 147 NW 874 (IA 1914). Similarly, the department concludes that where Chapters 455B and 455E do not expressly purport to depart from or alter the common law it will be construed in light of the common law principles bearing upon the same subject. People v. Curtis, 450 P2d 33 (Cal 1969); Centeno v. Roseville Community Hospital, 167 Cal Rptr 183 (1979).

③ Much of the statutory language found in 455B and 455E is based upon established principles of common law nuisance. The groundwater protection policies set forth in Iowa Code section 455E.5 provides that all persons have the right to have their lawful use of groundwater unimpaired by the activities of any person which render the water unsafe or unpotable and that all persons have the duty to conduct their activities so as to prevent the release of contaminants into groundwater. (455E.5(3) and (4)) This principle is commonly expressed as "sic-utere-tuo-ut-alienum non-laedas"-or "every person should so use his property as not to injure that of another" and was most recently reaffirmed by the Iowa Supreme Court in Page County Appliance v. Honeywell, 347 NW 2d 171 (IA 1984).

In consort with these principles, the department's proposed rules in effect provide that all those who authorize, consent to, or otherwise substantially participate in the creation of a condition which requires a cleanup action are responsible to undertake the cleanup action. In addition, those who are obligated to abate an existing condition and who fail to exercise reasonable care

to abate the condition are jointly and severally liable for all harm which results.

The liability of the creators of the condition rests upon their acts which result in the condition and is not based upon negligence. In addition, responsibility rests with one who directs or has authority to supervise an activity that is or by direction becomes a condition, upon one who authorizes a lessee, independent contractor or other person whose conduct results in the creation of a condition, and anyone who aids in a substantial way in the conduct which results in a condition.

The liability of those who permit a pre-existing condition to continue, that is a successor to the ownership or control of the activity or property which has resulted in the condition, rests upon the failure of the person to take reasonable actions to abate the condition. One who succeeds to a condition becomes liable upon notice of the condition and remains liable for all or a portion of the costs of cleanup.

It is likely that more than one person may be responsible for the cleanup actions necessary to meet the goals of the state. In those instances, the department will make no attempt to apportion liability. The department will hold all responsible persons jointly and severally liable for cleanup costs.

Any interested person may submit written suggestions or comments on the proposed rules through May 5, 1989. Such written materials should be directed to Michael Murphy, Government Liaison Bureau, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. Persons who have questions may contact Mr. Murphy at 515/281-8973. These proposed rules will apply to a wide variety of situations, thus they

④

- ④ are broadly worded and intended to allow flexibility to the department in dealing with contamination situations. It is requested that comments objecting to the proposed language provide alternative language that implements applicable law and will be consistent with the goals of the Groundwater Protection Act. Persons are also invited to present oral or written comments at public hearings which will be held on _____ [in late April at Council Bluffs, Sioux City, Mason City, Waterloo, Davenport, and
- ⑤ Des Moines].

These rules may have impacts on small businesses. These rules are intended to implement Iowa Code section 455E.5(5), and Iowa Code Chapter 455B, Division III, Part 1 and Division IV, Part 4.

Chapter 133

General Guidelines For Determining
Cleanup Actions and Responsible Parties

133.1(455B, 455E) Scope.

133.1(1) These rules establish the procedures and criteria the department will use to determine the parties responsible and cleanup actions necessary to meet the goals of the state pertaining to the protection of the groundwater. These rules pertain to the cleanup of groundwater itself and soils and surface water where groundwater may be impacted. They may also be used as guidelines in other environmental protection activities authorized by Iowa Code Chapter 455B. Where specific federal or state programs or funds exist to address situations that are also governed by these rules, the rules and standards of the specific programs or funds will be integrated and utilized to achieve an equitable, expeditious and environmentally sound resolution of the particular contamination situation. These rules shall in no way be construed to condone or imply a general water quality standard for groundwater, but are intended only as guidelines for cleanup of contamination.

133.1(2) These rules apply specifically to cleanup actions required to abate, prevent or remediate a hazardous condition, the presence of a hazardous substance or waste, the release of a regulated substance, or the discharge of a pollutant, as those terms are defined in Iowa Code Chapter 455B.

133.1(3) These rules are general guidelines and shall not limit the department's authority to require remedial or preventative action, or to take remedial or preventative action, as necessary to protect the public health, the

⑥ environment, or the quality of life. The department shall will make its evaluation on a case-by-case basis, considering site characteristics, and where more than one contaminant is present or there is no established action level, will and may consider the toxicity, mobility and persistence of contaminants involved, The evaluation may including the potential synergistic, antagonistic, or cumulative effects of the contaminants involved in a particular case.

⑦ . 133.1(4) Persons subject to these rules retain all applicable appeal rights provided in Iowa Code Chapter 455B.

133.2(455B, 455E) Definitions.

⑧ "Action level" means, for any contaminant, the HAL, if one exists; if there is no HAL, then the NRL, if one exists; if there is no HAL or NRL, then the MCL *[staff has double-checked the use of this terminology and confirmed that it is accurate -- see attached sheet]*. If there is no HAL, NRL, or MCL, an action level may be established by the department based on current technical literature and recommended guidelines of EPA and recognized experts, on a case-by-case basis. *[The "recognized experts" language is left in for public comment.]*

⑨ "Active cleanup" means removal, treatment, or isolation of a contaminant from groundwater or associated environment through the directed efforts of humans.

"Aggravated risk" means a contamination situation which presents a potentially catastrophic or an immediate and substantial risk of harm to human life or health or to the environment. Examples include exposure of humans, animals or the food chain to acutely toxic substances, contamination of a drinking water supply, threat of fire or explosion, or similar situations.

"Background" means groundwater quality unaffected by human activities, and generally shall be determined by historical data of the geological services bureau or other government agencies for the type of aquifer or location involved in a given case. If available data is not adequate, background may be established by groundwater samples upgradient of a source or potential source of a substance which is detected in or has a reasonable probability of entering the groundwater. Background for a synthetic organic compound or other-manufactured-material is always zero.

"Best available technology" means those processes which most effectively remove, treat, or isolate contaminants from groundwater or associated environment, as determined through professional judgment considering actual equipment or techniques currently in use, published technical articles and research results, engineering reference materials, consultation with known experts in the field, and guidelines or rules of other regulatory agencies.

"Best management practices" means maintenance procedures, schedules of activities, prohibition of practices, and other management practices, or a combination thereof, which, after problem assessment and evaluation of alternatives is determined to be the most effective means of preventing or abating contamination at a location.

"Contaminant" means any chemical, ion, radionuclide, synthetic organic compound, microorganism, waste or other substance which does not occur naturally in groundwater or which occurs naturally at a lower concentration. "Contaminant" includes all hazardous substances as defined in 42 U.S.C. 9601, and any element, compound, mixture, solution or substance designated pursuant to 40 C.F.R. 302.4.

"Groundwater" means any water of the state as defined in Iowa Code section 455B.171 which occurs beneath the surface of the earth in a saturated geologic formation of rock or soil.

"HAL" means a lifetime health advisory level for a contaminant, established by the United States Environmental Protection Agency (EPA).

"MCL" means the enforceable maximum contaminant level established by the EPA pursuant to the Safe Drinking Water Act.

"NRL" means the negligible risk level (1×10^{-6}) for carcinogens established by the EPA.

"Passive cleanup" means the removal or treatment of a contaminant in groundwater, or associated environment, through management practices or the construction of barriers, trenches and other similar facilities for prevention of contamination, as well as the use of natural processes such as groundwater recharge, natural decay and chemical or biological decomposition.

"Preventative" or "prevention" refers, in the context of these rules, to actions or efforts to minimize or stop further contamination in a situation where contamination already exists or is imminent.

"Remedial action plan" means a written report which includes all relevant information, findings, and conclusions from a site assessment, including all analytical results and identification of contaminant migration pathways; identification and evaluation of cleanup alternatives, including both active and passive measures using best available technology and best management practices; a recommended cleanup action or combination of action, including identification of expected cleanup levels consistent with the cleanup goal of 133.4(3)"b;" a

monitoring network and schedule to document cleanup levels; and a proposed schedule of implementation.

"Responsible person" means any person who is legally liable for the contamination in question or who is legally responsible for abating a condition of contamination under any applicable law. This may include the person causing, allowing or otherwise participating in the activities or events which cause the contamination, property owners who are obligated to abate a condition, or persons responsible for or successor to such persons.

"Significant risk" means

1) the presence in groundwater of a contaminant in excess of an action level;

2) the presence of a contaminant in the soils, surface water, or other environment in proximity to groundwater which may reasonably be expected to contaminate the groundwater to an action level; or

(11) [Mr. Yeager expressed concern over use of this language to apply to normal applications of ag chemicals. We don't feel that it could be construed to apply to this, and in any event, Iowa Code section 455E.6 would protect the ag producer who applies chemicals in accordance with soil test information and label instructions from liability for active cleanup costs or damages. Also, the last phrase of this provision clearly places a burden on the department to establish that chemicals in the soil are reasonably expected to contaminate groundwater to an action level. If we did take this position in a case and tried to take action against an unwilling party, they could appeal to the commission.]

3) the presence of a contaminant or contaminants in the environment in quantities, concentrations, or combinations which may significantly adversely impact the public health,

safety, environment, or quality of life. This criterion would normally be applied where there is no established action level or where combinations of more than one contaminant are present.

"Site assessment plan" means a written proposal for study of a contamination situation to determine the types, amounts, and sources of contaminants present, hydrogeological characteristics of the site, and the vertical and horizontal extent of contamination, with a goal of developing an adequate remedial action plan. The proposal must include: recommendations for collection of relevant historical data such as site management practices, inventory records, literature searches, photographs and personal interviews; a methodology for obtaining groundwater flow information including well placements, construction and elevation, bore logs, static groundwater table measurements, groundwater elevations, groundwater gradients (isopleth), and information on soil transmissivity, porosity and permeability; and a methodology for identifying contaminant plumes, including additional monitoring wells to identify the horizontal and vertical extent of contamination, a site plot showing the estimated configuration of contamination, and a sampling schedule and list of constituents to be analyzed.

133.3(455B, 455E) Documentation of contamination and source.

133.3(1) Department determination of contamination. When the department receives or obtains evidence of groundwater contamination or the release or presence of contaminants in the environment associated with groundwater, where contamination of the groundwater may reasonably be expected, the department shall make reasonable efforts to document the

source of contamination, and shall require responsible persons to take appropriate preventative, investigatory and remedial actions. Evidence of contamination may include but is not limited to the following:

a. Water samples indicating the presence of a contaminant at levels above background.

b. Soil or surface water samples indicating the presence of a contaminant at levels above background, where release to the groundwater is likely.

c. Known releases of contaminants into the environment in quantities and locations that could reasonably be expected to cause groundwater contamination.

d. Other events that the department determines could potentially cause groundwater contamination.

The amount and type of evidence necessary to document contamination or potential contamination will vary with the circumstances of each case, including the amount and type of contaminant involved, site topography and geologic conditions, and potential adverse effects. Normally, a reasonable number of water and soil samples will be taken or analyses obtained by the department. However, where a quantity of contaminants is known to have been released into the environment, for example from a spill, which could reach groundwater, the department is not required to collect samples. *[There was discussion about the propriety of including the last two sentences, or if they are included, to put the word "specific" before the word "contaminants" in the last sentence. We prefer leaving this as is for now. We want the commission to agree with staff, in clear language, that samples are not always required to initially document a problem, where common sense tells us it would be foolish to delay action while waiting for sample results, and it should be the duty of a clearly responsible party,*

(12)

e.g., a spiller, to take samples during and after investigation and remedial actions.]

133.3(2) Department determination of source. The department shall determine whether the contamination is or likely was caused by a particular source or sources, for example a known spill of contaminants or current or past facilities or activities in the vicinity which involved products or substances which could be a likely source. If no such person or event can be identified, the department shall make reasonable efforts to determine whether there is a relatively restricted area of more concentrated contaminants in the vicinity which is or is likely to be a source of the contamination. This subrule does not require the department to identify a specific person or persons responsible for the contamination, but to determine whether the contamination has or has likely come from a relatively defined source.

133.3(3) Determination of responsible persons. Where a source or likely source of contamination is identified, the person or persons responsible for that source or sources shall conduct necessary preventative, investigatory and remedial actions. Where there may be more than one source or the source is not conclusively identified, persons in the vicinity of the contamination who handle or have handled materials or wastes which could be the source shall investigate to confirm or disaffirm that their activities are a source of the contamination. Investigation by responsible or potentially responsible persons may include soil and groundwater monitoring to better define the source, if necessary. In all cases, all owners of property on or over which a source of contamination is determined may be responsible for preventative, investigatory and remedial measures. Responsible persons may be jointly and severally

(13)

liable, and the department is not required to name all potentially responsible parties in directing responsive actions to contamination. [We have specifically highlighted these issues in the preamble, and asked for specific comments on how these and other provisions could be improved. We expect the public participation phase to elicit comments on these areas.]

133.4(455B, 455E) Response to contamination.

133.4(1) Prevention of further contamination. In all cases where an active source of contamination is identified, the source shall be removed, repaired or otherwise contained, or the contaminating practices ceased, immediately upon discovery of the source. In addition, readily accessible contaminants, for example concentrated contaminants spilled on the ground or accessible through a recovery well or system, shall be promptly removed to avoid or minimize further contamination in the groundwater.

133.4(2) Aggravated risk. Where the contamination presents an aggravated risk, the investigatory and remedial measures provided in this rule shall be expedited to remove such risk. In addition, the following actions shall be taken by the responsible parties, if necessary, to protect the public health or environment:

- a. Providing alternate water supplies.
- b. Installing security fencing or other measures to limit access.
- c. Extraordinary measures to control the source of release.
- d. Removal of hazardous substances to an approved site for storage, treatment or disposal.
- e. Placing physical barriers to deter the spread of the release.

f. Recommending to appropriate authorities the evacuation of threatened individuals.

g. Using other materials to restrain the spread of the contaminant or to mitigate its effects.

h. Executing damage control or salvage operations.

133.4(3) Significant risk. In cases of significant risk, the following investigatory and remedial measures shall be implemented:

a. Investigation. The responsible party shall determine the extent and levels of contamination through a site assessment conducted by a registered professional engineer or other expert in the field of hydrogeology. A site assessment plan shall be submitted to the department within 45 days of notice by the department, unless a shorter time is required or a longer time is authorized by the department. The plan shall be approved by the department prior to initiation of the assessment, unless otherwise approved by the department. The site assessment shall be conducted within a reasonable time and a remedial action plan shall be submitted to the department, within the time directed or approved by the department. The department may require further investigation by the responsible person in order to adequately assess the extent of contamination, and may require the remedial action plan to be supplemented if necessary.

b. Required cleanup actions.

1. Groundwater. The goal of groundwater cleanup is use of best available technology and best management practices as long as it is reasonable and practical to remove all contaminants, and in any event until water contamination remains below the action level for any contaminant, and the department determines that the contamination is not likely to increase and no longer presents a significant risk.

Where site conditions and available technology are such that attainment of these goals would be impractical, the department may establish an alternative cleanup level or levels, including such other conditions as will adequately protect the public health, safety, environment, and quality of life.

2. Other. Where significant amounts of contaminants are documented as being present in the soils or other environment, such that groundwater contamination is occurring or is imminent and likely, active cleanup of the contaminated soils or other environment shall be implemented to the extent reasonable and necessary to prevent or minimize release to the groundwater; passive cleanup may be allowed in extraordinary circumstances.

133.4(4) Other. Where significant risk is not currently present, the responsible person may be required to monitor the groundwater and implement reasonable management or other preventative measures to minimize further contamination.

Date

Larry J. Wilson, Director

(A:EP133.RUL/055-89)

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Mr. Murphy outlined each change which was previously requested by the Commission. During discussion of the proposed rules the following changes were requested by the Commission:

1) Include a statement regarding testing procedures and certified labs (quality assurance/quality control) where appropriate in the rule.

2) On page 2, 3rd sentence, change the words "These rules will have to be amended," to "other rules will have to be adopted."

Robert Schlutz joined the meeting at this point (8:25 a.m.).

3) On page 9, the last sentence under 133.1(1) - delete the words "shall in no way be construed to condone or imply a general water quality standard for groundwater, but". The sentence would then read "These rules are intended only as guidelines for cleanup of contamination."

4) On page 11, paragraph 1 - delete the last sentence which reads, "Background for a synthetic organic compound is always zero."

5) On page 12, the explanation for "HAL" should include the explanation given in Lisa Smith's memo (attached to item brief).

Discussion took place regarding the last two sentences under 133.3(3).

Gary Priebe stated that he has problems with this, in that property owners who are not the cause of the contamination may have to pay large amounts for cleanup. He added that it will be impossible for landowners to buy liability insurance. It was decided to leave this portion of the rule as is to allow it to go to public hearing.

Clark Yeager requested that a new section be added under 133.5 to read: All actions taken by the department and director in relation to these rules shall be reported to, and approved by, the Environmental Protection Commission.

Mike Murphy commented that this language could delay action on the part of the department when action is needed immediately. He added that most incidents are already reported through the Monthly Report item.

Director Wilson stated that if the approval requirement was left out he would agree to the addition of the language under 133.5.

Gary Priebe pointed out that even if approval by the Commission is left out, a decision could still be changed through the appeal process.

Motion was made by Charlotte Mohr to approve Notice of Intended Action--Chapter 133, General Guidelines for Determining Cleanup Actions and Responsible Parties, with the amendments suggested today. Seconded by Donna Hammitt.


Chairman Schlutz requested a roll call vote.

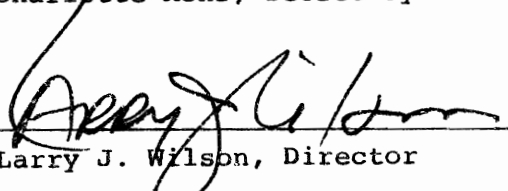
"Aye" vote was cast by Commissioners Hammitt, Mohr, Priebe, Siebenmann, Yeager and Schlutz. Motion carried unanimously.

ADJOURNMENT

Motion was made by Charlotte Mohr to adjourn the meeting. Seconded by Gary Priebe. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairman Schlutz adjourned the meeting at 9:32 a.m., Wednesday, March 1, 1989.


Charlotte Mohr, Secretary


Larry J. Wilson, Director

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ELECTRONIC MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
MARCH 1, 1989

Meeting convenes at 8:00 a.m., March 1, 1989, fourth floor - Wallace State Office Building

1. Notice of Intended Action--Chapter 133, General Guidelines for Determining Cleanup Actions and Responsible Parties. (Decision)

RECORD COPY
File Name ADM-1-1-1 *EPC meeting March 20-21, 1989*
Senders Initials JG

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
March 20-21, 1989

Meeting convenes at 1:30 p.m., March 20, 1989 in the fourth floor conference room and reconvenes on March 21, 8:30 a.m.

Appointment:

Gary Garlock 2:45 p.m.

Break 3:00 p.m.

Public Participation 3:30 p.m.

Don Balvanz - Hardin Co. Supervisors 3:45 p.m.

Meeting reconvenes 8:30 a.m., March 21, 1989

City of Des Moines 9:00 A.M.
Steve Grant, Bianchi-Meyrat Lagoon 8:45 A.M.

1. Approve Agenda
2. Approve Minutes of February 20-21, 1989 and Electronic Meeting Minutes of March 1, 1989.
3. Air Monitoring and Assessment Equipment Upgrade Purchase. (Kuhn) Decision.
4. Monthly Reports. (Stokes) Informational.
5. Final Rule--Chapter 23 Amendment, Air Quality Rules, NSPS and NESHAPS. (Stokes) Decision.
6. Nonpoint Pollution Management Program Report - Iowa 1988. (Stokes) Decision.
7. Proposed Rule--Chapters 102, 103, and 104 Amendment, Landfill Closure/Post-Closure and Leachate Recovery Systems. (Stokes) Informational.
8. Agricultural Drainage Well Registration Report. (Stokes) Informational.
9. Infectious Waste Management Report. (Hay) Informational.
10. Landfill Alternative Grants. (Hay) Informational.
11. Referrals to the Attorney General. (Combs) Decision.
 - (a) Spring Valley Park (Dubuque)
 - (b) Bianchi-Meyrat Lagoon (Des Moines)
 - (c) Wee Willy's (Quasqueton)
 - (d) City of Des Moines

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12. Contested Case Decision--Mecha Ceba Subdivision. (Combs) Decision.
13. Legislation Update. (Combs) Informational.
14. Address Items for Next Meeting

NEXT MEETING DATES

April 17-18, 1989
May 15-16, 1989
June 19-20, 1989

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 20, 1989

NAME	COMPANY OR AGENCY	CITY
(Please print)		
DAN VEST	GROWMARK, INC	BLOOMINGTON, IL
JANE McALLISTER	AHLERS LAW FIRM	DM
Frank Sloan	Farm owner	
Dick Bursch	Farmer	Mitch
Gunda Goeldner	Iowa Hospital Assoc	Des Moines
Frank Weaver	Iowa Power	DM
Winton Eichen	I FCA	DM
Jeri Dean	WRATH'S	Carlisle
Cheryl Darro	WRATH'S	Carlisle
Don Jensen	CORN BELT POWER	Humboldt
Malden John	DMMSW T	DM
Bob Fite	Radio Iowa	
Larry Fairbank	Lobbyist	
John Bahway	Gardin Co Land M	Father Center Chore F

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, March 21, 1989

NAME

COMPANY OR AGENCY

CITY

(Please print)

JANE McALLISTER

AHLERS LAW FIRM

DM

Cheryl Davis

Parlisle

Steve Grant

DM

Harold Smith

DM

Carol Hagg

EnviroLand

Ian Webber

City of Des Moines

William R King

attly - EnviroLand

M. A. (Liz) Johnson

City of Des Moines

T. Caldwell Jr

DMMP/sect

DM